

APPENDIX 7

COUNCIL & COMMITTEE PROCEDURE RULES

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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 Council Meetings will normally be held at the Council Offices at Castle House, Newcastle-under-Lyme at 7pm. The Mayor, or the Council, can agree to hold a meeting at a different place or time. Prayers will usually be held shortly before the commencement of the meeting.
- 1.3 At least 5 clear working days before a meeting, a summons to attend specifying the time, date, place and business of the meeting will be provided to Members together with the reports on the agenda. The summons will be delivered in writing, electronically or sent by post to each member at his/her usual place of residence. Failure to summons any Member will not affect the validity of a meeting.
- 1.4 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules (see Appendix 11).
- 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. Annual Council

- 2.1 The Annual Meeting of the Council will usually be held in May to agree to:
 - a. Elect a person to preside at the meeting if the Mayor is not present
 - b. Elect the Mayor
 - c. Elect the Deputy Mayor
 - d. Approve the minutes of the last ordinary meeting of the Council
 - e. When the meeting is taking place in the year of whole Council elections:
 - i. Elect the Leader of the Council for a four year term of office
 - ii. Receive nominations and appoint members to serve on Outside Bodies for a four year term of office (unless the appointment has been delegated by the Council or is exercisable by the Cabinet)
 - f. Receive the names of the Deputy Leader and members of the Cabinet appointed by the Leader (see Cabinet Procedure Rules Appendix 8)
 - g. Appoint at least one Scrutiny Committee
 - h. Decide which other committees to establish and agree their size and Terms of Reference
 - i. Agree the scheme of delegation (excluding any executive delegations which the Leader has responsibility for)

- j. Determine the allocation of seats to political groups in accordance with the political balance rules under the Local Government & Housing Act 1989 (see annex 1 to these Rules)
- k. Elect the Chairs and Vice Chairs of all Committees (excluding ad hoc committees)
- l. Receive nominations and appoint members to serve on each Committee
- m. Agree, if necessary, any changes to the Constitution
- n. Approve a calendar of ordinary meetings of the Council
- o. Consider any other business set out in the summons for the meeting

3. Ordinary Council Meetings

3.1 Ordinary Meetings will take place in accordance with the approved calendar of meetings.

3.2 Ordinary Meetings of the Council will:

- a. Elect a person to preside if both the Mayor and Deputy Mayor are both absent (Rule 9)
- b. Receive any declarations of interest from members (Rule 25)
- c. Approve as a correct record the minutes of the last meeting (Rule 10)
- d. Receive any announcements from the Mayor
- e. Note the names of any changes to the Deputy Leader and members of the Cabinet appointed by the Leader since the last Council Meeting
- f. (As necessary) To appoint or remove the Leader of the Council, Chairs or Vice Chairs of Committees
- g. Receive the statement of the Leader of the Council
- h. Receive Reports of the Chairs of the Scrutiny Committees & Regulatory Committees
- i. Appoint to any vacancies arising in the position of Chair or Vice Chair of any committee
- j. Members Questions under Rule 13
- k. Reports (if any) of the Chief Executive, Monitoring Officer or s 151 Officer
- l. Petitions presented under Rule 20
- m. Notices of Motion under Rule 14
- n. Consider any business set out in the summons for the meeting

- o. To appoint to any vacancies which may have arisen on Outside Bodies

4. Special or Extraordinary Council Meetings

4.1 A special or extraordinary Council meeting may be called by:

- a. Resolution of the Council
- b. The Mayor
- c. The Chief Executive or Monitoring Officer
- d. Any 5 members of the Council notifying the Mayor in writing of their request.

If the Mayor declines to do so then the 5 members can require the Chief Executive to convene the meeting.

4.2 Any request made under paragraph 4.1 must specify the particular item(s) of business for which the extraordinary meeting is to be called.

4.2 The meeting may only consider those specific item(s) set out in the summons for the meeting.

5. Quorum

No business will 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 reduces to less than 15, the Mayor will adjourn the meeting. Where the Mayor does not give a date and/or time to resume the meeting, all business not completed will be considered at the next meeting.

6. 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.

7. Order of Business

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

8. 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.

9. Chair for the Meeting

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.

10. Confirmation of Minutes

- 10.1 Minutes of the last Council meeting must be confirmed at the next ordinary meeting or at the annual meeting of the Council.
- 10.2 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. If there are no issues raised, or once any proposal has been dealt with, the Mayor will sign the minutes.
- 10.3 The minutes of the preceding Council meeting will not be submitted to an Extraordinary Meeting of the Council for approval but will be submitted to the next Ordinary Meeting. Note: this is a rule required by law.

11. Matters for Decision by the Council

- 11.1 All matters for decision by the Council (except any notices of motion which may be moved without notice under Procedure Rule 12 and any urgent items under Procedure Rule 8) must be included with the agenda.
- 11.2 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.

12. Motions Moved Without Notice

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

- 12.1
 - a. Appointment of a Chair of the meeting
 - b. Motions relating to the accuracy of the minutes
 - c. To change the order business on the agenda
 - d. That a matter be referred to the Cabinet or a committee or referred back to the originating body for further consideration
 - e. That a committee be appointed or a person be appointed to a committee, a scrutiny panel or other body
 - f. Adoption of minutes, reports and recommendations of Cabinet, committees or officers
 - g. That leave is given to withdraw a motion
 - h. Extending the time limit for speeches under Rule 15.3
 - i. Amendments to motions
 - j. Authorising the sealing of documents

- k. Suspending these Rules of Procedure in accordance with Procedure Rule 26
- l. Motion to exclude the public from the meeting in accordance with the Access to Information Procedure Rules (see Appendix 11)
- m. That a Member named by the Mayor under Rule 22 for disorderly conduct may not speak or must leave the meeting
- n. Giving consent of the Council where the consent of the Council is required by the Constitution

13. Questions at Council Meetings

- 13.1 Members of the Council may ask the Mayor, the Leader/ Deputy Leader, 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.
- 13.2 Questions, other than those on a minute appearing on the Council agenda, must be sent in writing to the Chief Executive at least 24 hours before the meeting. A list of questions received will be circulated to those members present at the meeting.
- 13.3 The Mayor may agree to take urgent questions where he/she 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 Chief Executive before the meeting starts.
- 13.4 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:
 - a. give a direct verbal answer
 - b. where the information is published, reply by reference to that publication
 - c. reply by written answer after the meeting with a copy to all members of the Council
 - d. refer the question to an appropriate committee or to the Cabinet
 - e. decline to answer where information is confidential within the categories to the Access Information Procedure Rules (Appendix 11)
- 13.5 Following the answer to each question, the questioner may ask a concise and focused supplementary question which relates to the subject matter of the initial question. The Mayor may choose to disallow a supplementary question if, in his/her opinion, it is inappropriate or unduly lengthy.
- 13.6 Where a question submitted under this Procedure Rule relates to a matter that appears on the agenda for that meeting, the question will be put and answered in accordance with this Procedure Rule, at the start of the consideration of that matter.

14. Notices of Motion

- 14.1 A notice of motion must relate to matters for which the Council has responsibility, or which affect its area or those who live or work within the Borough.
- 14.2 A motion not listed in Procedure Rule 12 must be in writing, signed by the Member 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.
- 14.3 The Chief Executive will set out in the summons for every meeting of the Council all motions of which notice has been 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
- 14.4 If a motion set out in the summons is not moved and seconded at the meeting, it will be treated as withdrawn and may not be moved without fresh notice
- 14.5 If the subject matter of any motion comes within the terms of reference of any committee or committees it will, upon being moved and seconded, stand referred without discussion to that 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.
- 14.6 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.
- 14.7 The Mayor, acting on the advice of the Chief Executive, may exclude from the agenda any Notice of Motion which he/she considers to be out of order for any reason, including Notices of Motion which are considered to be vexatious, abusive or otherwise inappropriate.

15. Rules of Debate

15.1 No speeches until Motion seconded

A motion or amendment may not be discussed unless it has been both proposed and seconded. When seconding a Motion or Amendment, a member may reserve his/her speech until later in the debate.

15.2 Content and length of speeches

All speakers must address the issue under debate. No speech may exceed 5 minutes unless the Mayor grants an extension.

15.3 When a Member may speak again

A member who has spoken once on a motion may not speak again while it is being debated, except:

- a. To speak once on an amendment moved by another member;

- b. To move a further amendment if the motion has been amended since he/she last spoke;
- c. If his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- d. In exercise of a right of reply (rule 15.8)
- e. On a point of order or personal explanation (rule 15.11)

15.4 Amendments to Motions

An Amendment to a motion must be relevant to the motion, and may either be:

- a. To leave out words;
- b. To leave out words and insert or add others;
- c. To insert or add words.

as long as the effect of the amendment is not to negate the motion or to introduce a new proposal.

15.5 Number of Amendments

Only one amendment may be moved and discussed at any one time and no further amendments may be moved until the amendment under discussion has been disposed of.

The Mayor may, however, permit 2 or more amendments to be discussed (but not voted upon) together if this would facilitate the proper conduct of the Council's business.

15.6 Further Amendments

If an amendment is lost, a further amendment to the original motion may be moved and seconded.

If an amendment is carried then the Motion as amended will become the motion upon which any further amendments may be moved.

15.7 Alteration or Withdrawal of Motion

An amendment or motion may be altered or withdrawn by the proposer with the consent of the seconder and of the meeting, which will be signified without discussion.

15.8 Right of Reply on Motion & Amendments

The proposer of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

Where an amendment has been moved, the proposer of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak during the debate on the amendment.

The mover of the amendment has the right of reply at the end of the debate on the amendment immediately before any reply by the mover of the original motion.

15.9 Motions which may be moved during Debate

When a motion or amendment is under debate no other motion may be moved, except:

- a. To withdraw or amend the motion
- b. To proceed to the next business
- c. That the vote be taken or the question now be put
- d. To adjourn the debate or meeting
- e. To exclude the press or public
- f. Not to hear a member further or exclude them from the meeting

15.10 Closure Motions

The following Closure motions may be moved and seconded, without comment, at the end of a speech of another member and unless the Mayor considers there has been insufficient debate he/she will immediately put the motion to the vote:

- a. To Proceed to the Next Business on the Agenda
- b. That the Vote be taken or the Question be now Put
- c. That the debate or the meeting will be adjourned

In the case of a motion under (b) then the mover of the original motion will have the Right of Reply if the closure motion is passed

15.11 Point of Order or Personal Explanation

The debate may be interrupted by a member rising to his or her feet either:

- a. To seek the Mayor's interpretation of these rules or a statutory provision (a point of order). The member must state the rule or statutory provision and the way in which he/she considers it has been broken.
- b. To give a short personal explanation of something he/she has already said (a point of personal explanation). A personal explanation may only relate to some material part of an earlier speech by the member which appears to have been misunderstood in the present debate.

The ruling of the Mayor on the admissibility of a personal explanation or point of order will be final.

15.12 Respect for Chair

When the Mayor stands or otherwise interjects during a debate, any member speaking at the time must stop, and all others present at the meeting must then be silent.

Note: A Flowchart setting out the Rules of Debate to be followed at Council Meetings is set out at Annex 2.

16. Changing an Earlier Resolution

16.1 Subject to Rule 16.2, 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

16.2 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 14 and signed by at least 12 elected Members of the Council.

17. Voting and Recorded Votes

17.1 Voting will be by a show of hands

17.2 When before the vote, a Member asks for a recorded vote to be taken, and 12 other Members indicate by show of hands their support the request, the vote will be recorded to show whether each Member voted for or against the motion or abstained

17.3 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands

17.4 A Member may require, after a vote is completed, that the minutes of the meeting record how he/she voted or abstained. Note: this is a rule required by law.

17.5 Where there are equal votes cast for a motion or amendment the Mayor or the person presiding will have a second or 'casting' vote.

17.6 A recorded vote must take place when setting the Council's budget and determining the level of Council Tax to be levied for each financial year. This rule will apply to both the substantive motion and any amendments. Note: this is a rule required by law.

18. Duration of Meeting

Any meeting of the Council which has sat continuously for 3 hours will stand adjourned to a date to be agreed by the Mayor, unless the majority of Members present resolve by vote to continue the meeting.

19. 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.

20. Petitions

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

21. Recording and Social Media

21.1 Recording and filming of public meetings of the Council, Cabinet and Committees is permitted unless this is undertaken in a disruptive manner.
Note: this is a rule required by law.

21.2 Where a disruption of the business of the meeting occurs, the Mayor, or Chair of the meeting, will have the right to exclude the individuals concerned from the meeting in accordance with Rule 22.

21.3 All Mobile phones will be placed in silent mode and no calls may be made or received in the meeting room during the meeting.

22. Disorderly Conduct and Disturbance

22.1 If the Mayor considers a Member's conduct to be disorderly, he/she may say that to the Council.

22.2 Any Member may then move that the Member referred to in 22.1 above speak no more on that item (NB "That the Member be not heard further") and the motion if seconded shall be put to the vote and determined without discussion.

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

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

22.4 In the event of general disturbance the Mayor may without question adjourn the meeting for as long as he/she considers appropriate.

22.5 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.

23. Records of Attendance

The names of all those members present at the meeting will be recorded in the minutes.

24. Personnel Matters

24.1 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.

24.2 Recruitment, Selection and Induction

All vacancies shall be dealt with in accordance with the Council's approved Recruitment, Selection and Induction Policies & Procedures, except where the Council determines otherwise.

24.3 Appointment/Dismissal of Senior Officers

The requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (see Annex 3 to this Appendix) will be followed.

25. Declaration of Interests at Meetings

25.1 A member with a Disclosable Pecuniary Interest (DPI) in a matter (as defined in Appendix A to the Code of Conduct for Members at Appendix 18) must declare that interest and must not participate in any discussion or vote on the matter.

25.2 Where a matter arises at a meeting which relates to an interest in Appendix B to the Code of Conduct for Members or to a financial interest of the member, a friend, relative or close associate (and which is not a DPI) the interest must be declared but the member may take part in the discussion and vote unless the provisions of paragraph 25.3 apply.

25.3 Where the matter affects the declarable interest of more than the majority of people in the area that will be affected by the decision, and a reasonable member of the public would think the member's view of the public interest would be adversely affected, then the member must not vote on the matter and may speak on the matter only if members of the public are also allowed to speak at the meeting.

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

26.1 The Council may resolve to amend or revoke any of these Procedural Rules except as set out at 26.4 following a recommendation of Cabinet

26.2 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

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

26.4 Rules 10.3 (minutes of meetings) 17.4 (recording of votes), 17.6 (recorded votes and budget meetings) and 21.1 – 21.2 (Recording & Social Media) may not be amended, suspended or revoked as these are required by statute.

27. 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 Chief

Executive. Disclosure in breach of the Council's rules will be a breach of the Code of Conduct (Appendix 18).

28. Rules of Procedure to be given to Members

A link to the Constitution will be made available to each Member of the Council as soon as practicable after their election.

29. Interpretation of the Rules of Procedure

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.

30. Rules of Procedure to apply to Committees etc.

30.1 In addition to rules which relate specifically to committees and sub-committees the following rules (with any necessary modifications) shall apply:

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|----------|---|
| Rule 1.2 | Time and place of meetings |
| Rule 1.3 | Summons for meetings |
| Rule 1.4 | Notice of meetings |
| Rule 4 | Special meetings |
| Rule 8 | Urgent business |
| Rule 15 | Rules of debate |
| Rule 16* | Changing an earlier resolution |
| Rule 17 | Voting |
| Rule 18 | Duration of the meeting |
| Rule 19 | Public access to meetings |
| Rule 21 | Recording and social media |
| Rule 22 | Disorderly conduct and disturbance |
| Rule 23 | Records of attendance |
| Rule 25 | Declarations of Interests |
| Rule 27 | Confidentiality |
| Rule 29 | Interpretation of the Rules of Procedure. |

30.2 * In the case of Rule 16 (changing an earlier resolution) at a meeting of a committee or sub-committee no motion or amendment may be moved which was passed within the preceding six months, or which is to the same effect as one which has been rejected within that period, unless it is

recommended by Full Council. A decision shall only be referred back to the original decision making body once.

31. Quorum

Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any committee or sub-committee unless a quorum is present.

<u>No. of Members</u>	<u>Quorum</u>
16 or over	5 persons
10 to 15	4 persons
5 to 9	3 persons
Less than 5	2 persons

32. Chair

- 32.1 Meetings will be chaired by the Member appointed by the Council or in the absence of the Chair the Vice Chair or in the absence of both a Chair for the meeting may be appointed.
- 32.2 Joint meetings of committees and sub-committees will be chaired by the Chair or in his absence the Vice Chair of the committee or sub-committee initiating the arrangements for the meeting.

33. Substitutes

- 33.1 For every member of a committee, there can be one substitute nominated.
- 33.2 Any Member who is due to miss a meeting should inform the Chair of the relevant committee at least 24 hours before the committee is due to meet (and that it is the Member concerned who does this).
- 33.3 At any one meeting, there should be no more than 2 substitutes per political grouping present.
- 33.4 Training will be provided for nominated substitutes on regulatory committees.
- 33.5 Where a Planning Committee site visit is involved, substitutes will only be allowed to attend and vote at the relevant Planning Committee if they have been on the site visit.

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