

Part B – The Council
Section B4:- Council Procedure Rules

In Part B:-

Section B1 of the Constitution explains the process of electing Councillors (or “Members”) to the Council and then goes on to explain about meetings of the Council. It then sets out the roles, responsibilities and functions of the Council.

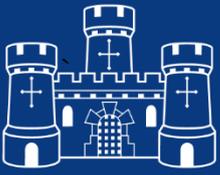
Section B2 sets out the details of the each of the authority’s committees. There is an overview of what the committee does and a detailed terms of reference section which sets out the extent of the committee’s powers. Membership details of committees are available from the Council’s website.

Section B3 sets out the roles and attributes of all Councillors, and then explains about the additional requirements of Councillors who undertake certain roles. The additional requirements in respect of Cabinet roles are set out in Section C2.

This Section (B4) sets out the rules that govern Council meetings.

Section B5 sets out the rules that govern Committee meetings.





Part B – The Council
Section B4:- Council Procedure Rules

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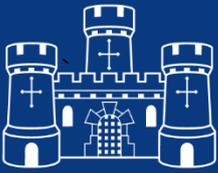
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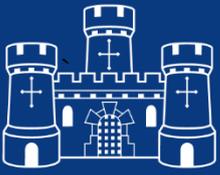
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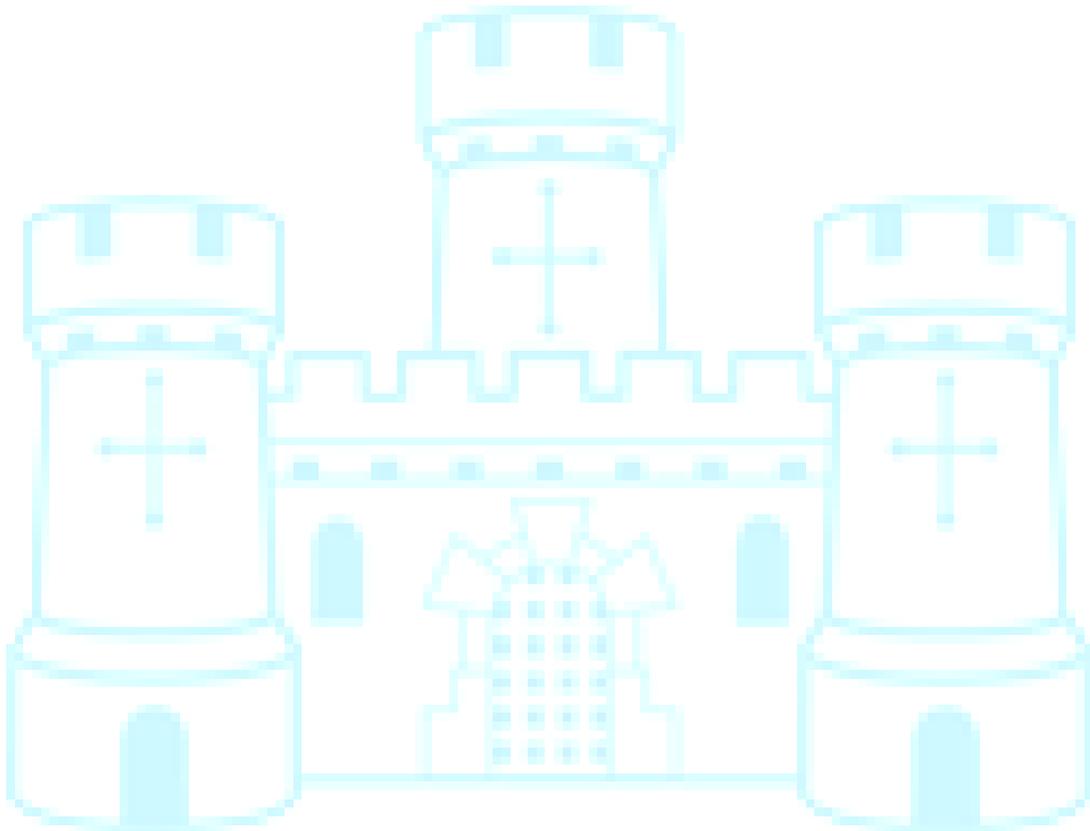
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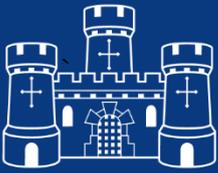
NEWCASTLE·UNDER·LYME
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NEWCASTLE
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BOROUGH COUNCIL



1. Annual Council

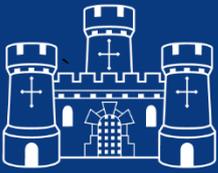
- 1.1 In a year where there is an ordinary election of Members to the Council, the Annual Council meeting will take place within 21 days of the retirement of the existing Members. In any other year, Annual Council will take place in March, April or May.
- 1.2 The Annual Council will:-
- (a) elect a Mayor
 - (b) elect a Deputy Mayor
 - (c) if necessary, elect a Leader of the Council
 - (d) receive the Leader's appointments to the Cabinet and the allocation of portfolio responsibilities
 - (e) constitute committees and appoint Members, Chairs and Vice Chairs in line with political proportionality requirements
 - (f) if necessary, make any appointments to any of the offices, positions or outside bodies that the Council is responsible for appointing to
 - (g) receive any announcements from the Mayor and/or the Chief Executive
 - (h) approve the minutes of the last meeting
 - (i) transact any other business specified in the meeting summons
- 1.3 No Member shall be nominated for election to the office of Mayor or Deputy Mayor, nor to a position of Chair or Vice Chair of any committee, without consent first having been obtained from the Member being nominated.

2. Ordinary and Special Meetings

Rescheduling Ordinary Meetings and Calling Special Meetings

- 2.1 Council will approve and publish a programme of Council meetings ("Ordinary Meetings") and committee meetings for the ensuing year.
- 2.2 A resolution may be passed at an Ordinary Meeting requiring that:-
- (a) any subsequent Ordinary Meeting be held at a different date, time or place; or,
 - (b) an additional meeting (a "Special Meeting") be held at a specific date, time or place
- provided in either case that the date proposed is not less than 10 days away from the date of the meeting at which a resolution under this paragraph is carried.

- 2.3 Between Ordinary Meetings the Mayor may:-



- (a) following consultation with the Deputy Mayor, alter the date, time or place of an Ordinary Meeting; or,
- (b) call a Special Meeting

by giving not less than 6 days' notice of the proposed date to the Monitoring Officer. There will be a presumption against making changes to the agreed timetable of meetings.

2.4 A notice given by not less than 5 Members to the Mayor and the Monitoring Officer may request that the Mayor calls a Special Meeting. The Mayor shall, within 7 days of receipt of such a notice, give notice of the calling of a Special Meeting in accordance with paragraph 2.3(b) above.

2.5 The Monitoring Officer, in consultation with the Mayor, may also call a Special Meeting.

3. Conduct of Meetings

Mayor and Deputy Mayor

3.1 The Mayor will preside over Council meetings.

3.2 If the Mayor is absent then the Deputy Mayor will preside.

3.3 If the Mayor and the Deputy Mayor are absent then the Chief Executive will preside and the first item of business shall be the appointment of another Member (other than a Cabinet Member) to preside over the meeting in question.

3.4 Persons presiding over meetings in the place of the Mayor shall have the same powers and duties as the Mayor.

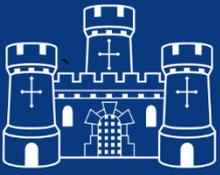
Respect for the Mayor and Deputy Mayor

3.5 Where able, Members and Officers will stand whilst the Mayor and the Deputy Mayor enter and leave the room.

3.6 Whenever the Mayor rises during a debate, any Member then standing shall sit down and the Council shall be silent.

Quorum

3.7 No business shall be transacted at a meeting where less than 15 Members are present.



- 3.8 If a meeting becomes inquorate after it has commenced then it shall be adjourned. Remaining business will be considered at the next Ordinary Meeting.

Matters for Decision

- 3.9 All matters for decision by the Council shall be included within the agenda.
- 3.10 There shall be an early item on every agenda requiring Members to declare any relevant interests in any item appearing on the agenda. Members are required to observe the requirements in the Member Code of Conduct (Section F1) and withdraw from the meeting room at the appropriate point during the meeting where they have an interest which requires them to do so.
- 3.11 The Mayor may agree that an item of business which is urgent shall be dealt with at a meeting even if it is not on the agenda for that meeting. The Mayor shall give the reason for the urgency.
- 3.12 Business shall be dealt with in the order in which it is set out in the agenda unless the Mayor decides otherwise.

Duration of Meetings

- 3.13 Unless a resolution is passed for the meeting to continue, any meeting that has lasted for 3 hours will adjourn immediately. Remaining business will be considered at the next Ordinary Meeting.

Disorderly Conduct and Disturbances

- 3.14 The person presiding may direct (or a Member may move), in respect of any Member considered to be misconducting themselves, that the Member shall not be heard further.
- 3.15 The person presiding may direct (or a Member may move), either following a direction (or resolution) under paragraph 3.14 above, or directly in the case of gross misconduct, either:-
- (a) that the Member in question leaves the meeting; or,
 - (b) that the meeting is adjourned
- 3.16 The person presiding, in the event of a general disturbance at any meeting which they consider to be disrupting the orderly transaction of business, may adjourn the meeting for as long as is considered necessary.



3.17 The person presiding shall be at liberty to warn any member of the public in respect of their conduct at a meeting. In the case of persistent or gross misconduct, the Mayor shall be at liberty to direct any person to be removed from the meeting.

3.18 In the event of a general disturbance in any part of the meeting room open to the public, the person presiding shall be at liberty to direct that part of the room to be cleared.

4. Motions

4.1 Motions may be moved by any Member but they shall not be discussed unless proposed and seconded.

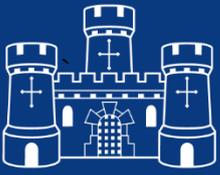
4.2 Unless Notice of a Motion has already been given, the Mayor may require Motions to be handed up in writing before they are further discussed or put to the meeting.

Motions Without Notice

4.3 The following Motions may be moved without notice:-

- (a) to appoint a Chair and/or Vice Chair for the meeting
- (b) in relation to the accuracy of the minutes of the Council
- (c) to change the order of business on the agenda
- (d) to give the consent of the Council where the consent of the Council is required by these Procedure Rules
- (e) any Motion relating to any item currently under discussion
- (f) to refer the matter to an appropriate body, individual or subsequent Council meeting
- (g) to withdraw a Motion
- (h) to amend a Motion
- (i) to proceed to the next business
- (j) to put the question
- (k) to adjourn the debate
- (l) to adjourn the meeting
- (m) to continue the meeting beyond the time limit in paragraph 3.13
- (n) to extend the time allowed for speeches
- (o) to suspend a particular Procedure Rule(s)
- (p) to exclude the press and public
- (q) that a Member who misconducts themselves should not be heard further
- (r) that a Member should leave the meeting

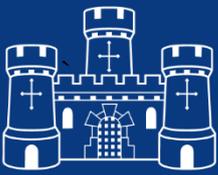
Motions Which May Be Moved During Debate



- 4.4 Only Motions listed at paragraph 4.3 (d) to (r) inclusive may be moved whilst another Motion is already under debate.

Notice of Motions

- 4.5 Any Member may place a Motion relating to a matter that the Council is responsible for, or which affects the Borough, on a meeting agenda.
- 4.6 Notice of every Motion (in respect of which notice is required) shall be given to the Monitoring Officer at least 10 days prior to the meeting at which the Motion is intended to be heard.
- 4.7 If Notice is given of any Motion which, in the opinion of the Mayor (and on the advice of the Monitoring Officer) is deemed to be inappropriate or illegal, the Mayor shall be at liberty to decline to include it on the agenda. If a Motion is declined, the Member(s) who gave Notice will be informed why.
- 4.8 The order in which Motions shall be placed on meeting agendas will be determined by reference to any other business required to be transacted and in accordance with the order in which Notices of Motion are received.
- 4.9 The Mayor may alter the order in which Motions are placed on agendas where it is considered that there is good reason to do so (whether or not upon the request of the prospective Mover).
- 4.10 At the appropriate point in the meeting, the Mayor shall invite the Mover of a motion to briefly introduce the Motion to Council. Where applicable, the introduction shall include reasons for why the Motion should be debated by Council, as opposed to being referred to the Cabinet or a Committee in accordance with paragraph 4.11 below. The Mayor will then invite a Secunder for the Motion. The right of a Secunder to speak to a Motion is dealt with below. Any motion not moved and seconded will be treated as withdrawn and may not be moved again without fresh notice.
- 4.11 Following the introduction and seconding of any Motion under paragraph 4.10 above which comes under the remit of the Cabinet or a Committee, the motion will be referred to the Cabinet or Committee without debate. The Cabinet or Committee will consider the motion and report to a future meeting of Council. Notwithstanding the provisions of this rule, the Mayor may allow the motion to be dealt with at the Council meeting where it is first moved, if the Mayor considers it appropriate to do so.



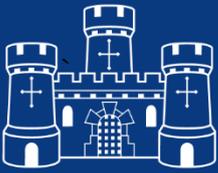
- 4.12 When a Motion is debated under paragraph 4.11 above, then the rules relating Members' speeches at paragraph 5 below shall apply with the first entitlement to speak resting with the Mover.
- 4.13 If the Motion is referred to Cabinet, or a Committee under paragraph 4.11 above, then the Mover and Secunder shall be given the right to speak at the forum to which the Motion is referred.
- 4.14 If a Motion relates to a matter that requires a decision of the Cabinet, then the Council must refer the Motion to the Cabinet either before or after any debate at Council.
- 4.15 A Motion requiring notice which has not been duly given in accordance with this section may nevertheless be dealt with at the meeting if the Mayor is of the opinion that there are special circumstances justifying its consideration as a matter of urgency. The Mayor may be asked for reasons for his or her decision.

Repeat Motions and Rescinding Resolutions

- 4.16 Subject to paragraph 4.17 below no Motion shall be moved which would have the effect of rescinding any resolution of the Council passed within the preceding six months, or which is to the same effect as a Motion which has been rejected within that period.
- 4.17 A Motion of the type prohibited under paragraph 4.16 above may be moved if:-
- (a) brought upon a minuted recommendation of the Cabinet or a Committee; or,
 - (b) Notice of the Motion signed by at least 12 Members has been given and accepted under paragraphs 4.6 and 4.7 above.

Amendments and Alterations to Motions

- 4.18 An amendment must be relevant to the Motion under discussion and shall have the effect of deleting, substituting or adding words to the original Motion.
- 4.19 Amendments may not be moved if they will have the effect of negating the Motion before the Council.
- 4.20 Only one amendment may be moved at a time. No further amendment shall be moved until the amendment under discussion has been disposed of, although the Mayor may allow two or more amendments to be discussed (but not voted on) together if this would facilitate the proper conduct of the business before the meeting.



- 4.21 If an amendment is lost, another amendment may be moved on the original Motion.
- 4.22 If an amendment is carried, the Motion as amended shall take the place of the original Motion and shall become the Motion upon which any further amendment may be moved.
- 4.23 After an amendment had been carried, the Mayor will read out the amended Motion before accepting any further amendments, or if there are none, putting it to the vote.
- 4.24 A Member may alter a Motion which they have given notice of with the consent of Council, or in the case of a Motion proposed and seconded, with the consent of the seconder and the Council. In either case, the Council's consent shall be signified without discussion.
- 4.25 Any alteration proposed must be of the type permitted to be moved as an amendment.

Withdrawal of Motions and Notices of Motion

- 4.26 A Member may withdraw their Notice of Motion at any time.
- 4.27 A Member may withdraw a Motion which they have moved with the consent of both the meeting and any Secunder. The meeting's consent will be signified without discussion. No Member may speak on the Motion after the Mover has asked permission to withdraw it unless permission is refused.

Closure of Motions

- 4.28 At the conclusion of a Member's speech, another Member may move (without comment) any of the Motions set out in paragraph 4.3(i) to (l) inclusive.
- 4.29 Upon the seconding of a Motion under 4.3(i) above (to proceed to the next business), the Mayor shall (unless of the opinion that the matter has not been sufficiently discussed) invite the right of reply to be exercised in respect of the Motion under discussion and then put it to the vote before proceeding to the next business.
- 4.30 Upon the seconding of a Motion under 4.3(j) above (to put the question), the Mayor shall (unless of the opinion that the matter has not been sufficiently discussed) put the Motion under 4.3(j) above to the vote and, if it is passed, invite the right of reply to be exercised in respect of the Motion under discussion before putting it to the vote.
- 4.31 Upon the seconding of a Motion under 4.3(k) or (l) above (to adjourn the debate or meeting), the Mayor shall (unless of the opinion that the matter has not been sufficiently



discussed) put the adjournment Motion to the vote without inviting the right of reply to be exercised in respect of the Motion under discussion.

5. Members' Speeches

Content and Length of Speeches

5.1 Members will confine speeches to the question under discussion, a personal explanation or a point of order. No speech will exceed 5 minutes, without the consent of the Council. The 5 minute time limit will exclude any time lost as a result of other Members rising on a point of order or personal explanation.

Only One Member to Speak at a Time

5.2 Whilst a Member is speaking, the other Members will remain seated and quiet, unless rising on a point of order or in personal explanation.

Order of Speeches

5.3 The Proposer of a Motion shall speak first, followed by the Secunder. When seconding a Motion a Member may advise the Mayor that they reserve their right to speak until later in the debate.

5.4 Members shall, where able, indicate their intention to speak during a debate by raising their hand.

5.5 If two or more Members indicate their intention to speak, the Mayor shall determine the order of speeches. The Mayor may draw up and then close a list of speakers if he or she considers that necessary to manage the amount of time afforded to a debate.

5.6 Notwithstanding any other provisions in these rules, the Leader of the Council shall have the right to sum-up/reply immediately before any vote is taken.

When a Member May Speak Again

5.7 A Member who has spoken on any Motion shall not speak again whilst it is the subject of debate except:-

- (a) Subject to rule 5.8 below, to speak once on an amendment moved by another Member
- (b) to move a further amendment if the Motion has been amended since they last spoke



- (c) if the Member's first speech was on an amendment moved by another Member, then they may speak on the main issue whether or not the amendment on which they previously spoke was carried
- (d) in exercise of a right of reply
- (e) on a point of order
- (f) by way of personal explanation
- (g) to move one of the Motions specified in paragraph 4.4 above.

Right of Reply

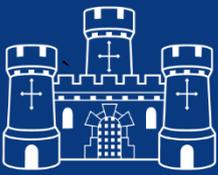
- 5.8 The Mover of the Motion shall have a right to reply at the close of the debate on the Motion, before it is put to the vote.
- 5.9 If an amendment is moved, the Mover of the original Motion shall have a right of reply at the close of the debate on the amendment but shall not otherwise speak on it.
- 5.10 The Mover of the amendment shall have a right of reply to the debate on the amendment immediately before the Mover of the original Motion exercises their right of reply at the close of the debate on the amendment.

Points of Order and Personal Explanations

- 5.11 After a Member has raised a point of order or personal explanation, the Mayor shall rule on its admissibility. The Mayor's ruling shall be final and not open to discussion.
- 5.12 A point of order shall relate only to an alleged breach of a Procedure Rule or statutory provision and the Member shall specify the Procedure Rule or statutory provision and the way in which they consider it to have been breached.
- 5.13 A personal explanation shall be confined to some material part of a former speech by the rising Member which appears to them to have been misunderstood in the current debate.
- 5.14 The ruling of the Mayor a point of order or on the admissibility of a personal explanation shall be final and not open to discussion.

Departing Scrutiny Chairs

- 5.15 The Chairs of the Scrutiny Committees shall be entitled to make a personal statement at the next Ordinary Meeting following their resignation or removal from office.



6. Voting

Method of Voting

- 6.1 Unless otherwise provided elsewhere in this constitution, all matters will be decided by a simple majority of those Members present and voting in the room at the time the question is put.
- 6.2 Members must be in their designated seats for their vote to be counted.
- 6.3 Voting will be by a show of hands, or if there is no dissent and no call for a vote, by the Mayor being satisfied of the unanimous approval of the meeting.

Casting Vote

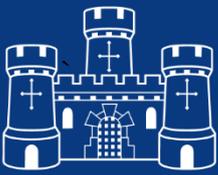
- 6.4 Where there are equal votes cast for a Motion the Mayor may exercise a second or casting vote.

Recording Votes

- 6.5 If 13 Members so request (by rising in their places before the vote has begun to be taken) the vote will be recorded to show whether and how each Member voted.
- 6.6 A Member may require, after a vote is completed, that the Minutes of the meeting record whether and how they voted.
- 6.7 A Member may, immediately after the item of business is voted upon, request that a lost Motion be recorded in the Minutes
- 6.8 Immediately after any vote is taken at a budget decision meeting of an authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

Election to Offices

- 6.9 Members shall not be eligible for appointment to the position of Chair or Vice Chair of a committee unless they are a Member of the Committee in question.
- 6.10 Cabinet Members shall not be eligible for appointment to the position of Mayor or Deputy Mayor of the Council.



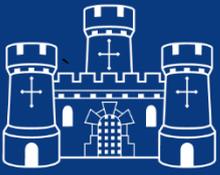
- 6.11 Where a vacancy occurs in any office, an election will be held at the next Ordinary Meeting unless the Council decides otherwise.
- 6.12 Unless the Council decides otherwise, elections to office will be conducted by a show of hands and a single election may take place in respect of any number of offices.
- 6.13 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. This process will continue until there is a majority of votes for one person.

7. Questions from Members Questions without Notice

- 7.1 Questions may be asked about any business on the agenda when that business is under discussion.

Questions on Notice

- 7.2 Subject to paragraphs 7.3 and 7.4 below, any Member may ask (as appropriate) the Mayor, a committee Chair or a Cabinet Member any question about a matter in respect of which the Council has powers or duties or which affects the Borough.
- 7.3 A Member may only ask a question under paragraph 7.2 above if they have either:-
- (a) given notice to the Monitoring Officer at least 24 hours before the meeting or,
 - (b) if the question relates to an urgent matter, they have the consent of the Mayor to ask it and they have given notice containing the text of the question to be asked to the Monitoring Officer before the start of the meeting
- 7.4 Upon receipt of a Notice of Question under paragraph 7.3(a) or (b) the Mayor on the advice of the Monitoring Officer may determine that the question shall not be asked if it:-
- (a) does not relate to a matter in respect of which the Council has powers or duties
 - (b) can, with the agreement of the proposed questioner, be more properly asked in another forum
 - (c) is defamatory, frivolous, offensive or vexatious
 - (d) is substantially the same as a question that has been asked by a Member (whether at Council or in another forum) within the last 3 months, which has been adequately answered or actioned, and there has been no material change in circumstances since that time.



Replies and Supplementary Questions

- 7.5 Questions will be asked and answered without discussion. The Member responding will use their reasonable endeavours to address all of the matters raised in the question. The Member responding may:-
- (a) decline to answer any question
 - (b) reply directly
 - (c) reply by reference to a publication
 - (d) reply by written answer with a copy to such other Members of the Council as the Council agrees
 - (e) refer the question to an appropriate Committee or to the Cabinet
- 7.6 Following the answer to each question, the questioner may ask a supplementary question which must relate to the initial answer. A reply will not be given (at the answering Member's discretion) if the question is:-
- (a) not related to the initial answer
 - (b) unduly lengthy
 - (c) inappropriate

Time for Questions

- 7.7 The period of time allocated to Members to ask questions under this section (including any permitted supplementary questions) will be determined by the Mayor.
- 7.8 A written response to any questions which are not answered at the meeting will be sent to the questioner and published on the Council's website within two days of the meeting (where practical).

8. Minutes Records and Disclosure of Information

Minutes and Records of Decisions

- 8.1 At each Ordinary Meeting, the Mayor will move that the Minutes of the last meeting be confirmed as an accurate record.
- 8.2 Only matters relating to the accuracy of the Minutes can be raised by way of a Motion proposed, seconded and voted upon. Where no issues are raised, or after any Motion has been dealt with, the Mayor shall sign the Minutes.



Records of Attendance

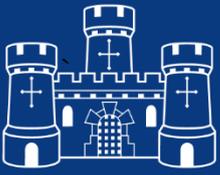
- 8.3 Members of the Council attending the whole or part of a meeting must sign their name on the attendance sheet provided.

Exempt Matters

- 8.4 No Member shall disclose to any person the whole or any part of the contents of any agenda, report or other document which is marked “confidential” or “not for publication” unless and until the document has been made available to the public or the press by or on behalf of the Council, the Cabinet or a Committee.
- 8.5 No Member shall disclose the content of any discussions in the confidential part of a meeting.
- 8.6 No Member shall disclose to any person (other than a Member of the Council with a need to know) any matter arising during the proceedings of the Council, the Cabinet or any Committee and which comes to their attention by virtue of their office as a Member where such disclosure would prejudice the interest of the Council or would be contrary to law. If in any doubt, advice should be sought from the Monitoring Officer.
- 8.7 Other than in accordance with paragraphs 3.17 to 3.18 above (disturbances), the press or public shall only be excluded from a meeting during the consideration of any item of business which would be likely to disclose Exempt Information as defined in these Rules.

9. Urgent Business

- 9.1 Any item of urgent non-Cabinet business which has to be decided before the next Council meeting may be determined by the Chief Executive in accordance with this part.
- 9.2 The Chief Executive may take any necessary action after consulting the relevant Chair, the Leader of the Council and the Leader of the Opposition (or where absent their Deputies). The relevant Portfolio Holder shall also be advised and consulted where practical.
- 9.3 The Chief Executive is authorised to take any action necessary during any gaps in governance that arise such as the period during a year of elections to the Council between the day 4 days after the date of the elections and the date of Annual Council.
- 9.4 A report of any action taken under this part shall be made available by electronic means to all Council Members.



10. Public Access to Meetings

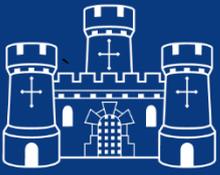
- 10.1 Council meetings will ordinarily be held in public, unless the information to be discussed:-
- (a) cannot be discussed in public without risk of breaching a duty of confidence that the authority is under (usually because the information to be discussed was supplied in confidence or is subject to a court order prohibiting its disclosure); and/or
 - (b) is exempt from disclosure under Schedule 12A of the Local Government Act 1972 or any other legislation relating to the prevention of disclosure of information.
- 10.2 If all (or upon resolution part) of any Council meeting is held with the exclusion of the press and public, reasons for the need for such exclusion will be given by reference to any or all of the relevant circumstances set out in paragraph 10.1(a) and/or (b) above.

11. Notices and Information Relating to Meetings Information Generated for Meetings

- 11.1 Council meetings will require the production and publication of the following written information ("Meeting Information"):-
- (a) meeting agendas ("Agendas"), setting out the business to be decided at a meeting
 - (b) reports ("Reports"), (including any appendices or supplementary information) containing all of the information that the meeting needs to debate or decide a matter on the agenda
 - (c) background documents ("Background Documents"), which are documents (that have not already been published) containing information that a report or a material part of a report is based on. These are listed in reports but are not usually presented to the meeting.
 - (d) approved minutes, records of decisions or (where Exempt Information is discussed) a summary of proceedings and any decisions reached ("Minutes")

Information about Future Meetings

- 11.2 The Monitoring Officer will normally give not less than 5 days' notice of all meetings stating the nature of the meeting and the time and place where it will be held. If a meeting must be convened on shorter notice, such notice will be given at the time the meeting is convened.
- 11.3 The Monitoring Officer will give notice under paragraph 11.2 above:-
- (a) to all members of the body to which the notice relates; and, in respect of all meetings which are ordinarily held in public, by:-



- (b) displaying a copy of the notice at the Council's principle office; and,
- (c) making details of the meeting available on the Council's website

11.4 The Monitoring Officer will normally provide, not less than 5 days prior to a meeting, Agendas and Reports by:-

- (a) providing the same to all members of the body in question; and, in respect of all meetings which are ordinarily held in public, by:-
- (b) publishing the same on the Council's website; and,
- (c) ensuring that copies are available at the meeting in question

11.5 Where a report to be considered at a meeting is not available for publication with an agenda, the agenda item will be marked "Report to Follow" and the report (or any other updates or supplementary information) will be provided when available in accordance with paragraph 11.4 above.

Information about Past Meetings

11.6 The authority will retain:-

- (a) Background Documents for a period of 4 years after the date of the meeting; and,
- (b) all other Meeting Information for a period of 6 years from the date of the meeting.

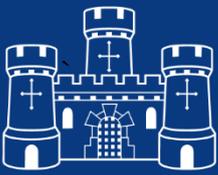
11.7 This information will usually be available on the authority's website but will also be provided in print on request. There may be a fee payable to cover the cost of providing printed information.

Exempt Information

11.8 Meeting Information relating to the parts of meetings described in paragraphs 10.1(a) and (b) above is referred to as "Exempt Information" in this constitution.

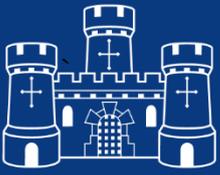
11.9 Exempt Information provided to Members shall be marked "Not for Publication" and/or "Confidential" and/or "Restricted" and shall have written on it, reference to any or all of the relevant circumstances referred to in paragraph 10.1(a) and/or (b) above, the reason why it is Exempt Information.

11.10 Exempt Information will not be provided to the public.



12. Public Speaking and Questions

- 12.1 Members of the public may speak or ask a question at Council meetings on any subject which is relevant to matters on the agenda.
- 12.2 Persons wishing to speak or ask a question are requested to give notice to the Monitoring Officer at least 2 days before the meeting in question. This is to ensure that:-
- (a) the topic is appropriate for the meeting in question;
 - (b) the time allotted for public speaking and questions can be properly managed; and,
 - (c) any information needed to answer a question can be provided to the meeting
- 12.3 The Mayor will retain sole discretion as to the management of public speaking and questions but normally a total period of 15 minutes will be permitted with speakers being allowed to speak for up to 5 minutes each.
- 12.4 Questions will be asked and answered without debate.
- 12.5 In responding to questions Members may:-
- (a) decline to answer
 - (b) agree to answer at or by a later (specified) date (whether or not in writing)
 - (c) refer the question to a more appropriate forum, Member or Officer
- 12.6 Questions will not be answered if they:-
- (a) are about a matter that the Council is not responsible for or does not affect the borough
 - (b) are defamatory, frivolous, offensive or vexatious
 - (c) require the disclosure of Exempt Information
 - (d) make or relate to allegations against, or compromise comments about the conduct of individual Councillors or Officers.
- 12.7 Those speaking or asking questions must comply with the standard of conduct required of them under Section A3 of the constitution.



13. Miscellaneous Matters

Officer Advice

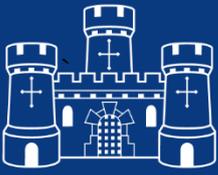
- 13.1 The Mayor may request an appropriate Officer to offer advice or draw the attention of the Council to any relevant factors where a debate involves questions of a technical, legal, financial or operational/administrative nature.

Suspending the Procedure Rules

- 13.2 With the exception of paragraphs 6.6 and 8.1 above, any or all of these Procedure Rules may be suspended for the duration of a meeting either:-
- (a) in the case of their being more than one third of all Members of the Council present, by a Motion without notice; or,
 - (b) in all other cases by a Motion on notice

Interpretation of Procedure Rules

- 13.3 The Mayor (who shall be entitled to take advice from the Monitoring Officer) shall determine all matters relating to the interpretation or application of these Procedure Rules which arise during a meeting. The Mayor's decision shall be final.
- 13.4 The Monitoring Officer shall determine all matters relating to the interpretation or application of these Procedure Rules which arise between meetings. The Monitoring Officer's decision shall be final.
- 13.5 Any requirement to make a notice or information available to anyone shall be fulfilled by publishing that information on the Council's website such that it is readily available to be viewed or printed off from the website and, if necessary, printed off at Council offices to be given to personal callers in hard copy.
- 13.6 References in these Procedure Rules to an Officer shall include references to any duly authorised representative of that Officer.
- 13.7 References in these Procedure Rules to Motions, shall include (where the context so requires or admits) references to amendments to Motions.
- 13.8 References in these Procedure Rules to Committees shall be taken to include all Committees, Sub-Committees, panels and boards constituted by Council which exercise



delegated powers but shall exclude any Committee, Sub-Committee, panel or board that operates solely in an advisory capacity.

13.9 Reference in these Procedure Rules to a day or days shall be taken to mean between the hours of 9.00 and 17.00 on any day that is not a Saturday, Sunday or public holiday.

13.10 References in these Procedure Rules to a period of days that is to elapse between the occurrence of two specified events shall be taken to mean clear days calculated by excluding the day upon which both of the specified events occur.

Notice Requirements

13.11 All Notices given by Members under these Procedure Rules will be treated as having been given to the recipient by any of the following means:-

- (a) post properly addressed to the recipient at their usual address
- (b) leaving it properly addressed for the recipient at their usual address
- (c) e-mail sent to an email address designated by the recipient for this purpose from an email account registered with the Council in the Member's name
- (d) submitting a form on the Council's website designated for this purpose

13.12 All Notices given to Members under these Procedure Rules shall be treated as having been given to the recipient by any of the following means:-

- (a) post properly addressed to the recipient at their usual address (being their usual place of residence or any other address which the Member has given notice to the Monitoring Officer of for these purposes)
- (b) leaving it properly addressed for the recipient at their usual address or, if requested (by notice given to the Monitoring Officer) either in addition or substitution for the methods set out in paragraphs 13.12(a) and (b) above, by:-
- (c) e-mail sent to an email account registered with the Council in the Member's name from an email account registered to the Council

13.13 All Notices given under these Procedure Rules must be given in writing, contain all of the information that is reasonably required in order to properly communicate the purpose and effect of the notice, and be signed (which shall include electronic signatures) by the person or persons required to give the notice in question.

13.14 If more than one signatory is required to give valid notice, any single notice given must bear all the signatures of all of necessary signatories and be given in accordance with



paragraph 13.11(a) or (b) above. In the alternative, each of the required signatories may give individual notices in accordance with paragraph 13.11(c) or (d) above.

13.15 Notices shall be deemed to have been given:-

- (a) in the case of 13.11(a) or 13.12(a) above, on the day upon which delivery would ordinarily occur in the normal course of the method of post chosen (provided proof of posting is available)
- (b) in the case of 13.11(b) or 13.12(b) above, on the day upon which the notice is left
- (c) in the case of 13.11(c) and (d) and 13.12(c) above, on the day upon which message is received save where acknowledged by any automated “out of office” message

Example Calculation of Time in Respect of Notice Periods

13.16 The following example is provided to demonstrate the effect of paragraphs 13.9 and 13.10 above. In the following example, it is assumed that none of the weekdays referred to are public holidays.

13.17 If a notice is required to be given 5 days before a meeting, then giving the notice and the meeting are the two specified events for the purposes of paragraph 13.10.

13.18 Assuming the meeting is to be held on a Monday, then the latest a notice may be given is on the first of the two preceding Fridays, between 09.00 and 17.00 hours.

13.19 If so given, the Friday upon which the notice is given ranks as the day upon which the first event occurs for the purposes of paragraph 13.10. The 5 week days in the ensuing week then rank as the required 5 “clear days” between giving the notice and day upon which the meeting is being held.

FRIDAY	Notice Given
SATURDAY	Not Counted
SUNDAY	Not Counted
MONDAY	Clear Day 1
TUESDAY	Clear Day 2
WEDNESDAY	Clear Day 3
THURSDAY	Clear Day 4
FRIDAY	Clear Day 5
SATURDAY	Not Counted
SUNDAY	Not Counted
MONDAY	Meeting