

Agenda Item 9.2 – Report of the General Purposes Committee
Appendix to the report

Part 4 – Rules of Procedure

4.1. COUNCIL PROCEDURE RULES

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1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and Business. In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (a) elect a person to preside if either the Speaker or the Deputy Speaker are not present;
- (b) elect the Speaker of the Council;
- (c) elect the Deputy Speaker of the Council;
- (d) receive any declarations of interest;
- (e) approve the minutes of the last meeting which will then be signed by the Speaker;
- (f) receive any announcements from the Speaker of the Council and/or the Chief Executive;
- (g) note any appointment of Cabinet Councillors and/or the Deputy Mayor made by the Mayor;
- (h) appoint at least 1 Overview and Scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution);
- (i) agree the Scheme of Delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (j) approve a programme of Ordinary Meetings of the Council for the year (if not already agreed). In an election year the schedule of meetings may be reviewed at the Annual Meeting if it has already been agreed at Council prior to the first meeting in May;
- (k) the Mayor shall report on any appointments of outside bodies;
- (l) the Mayor shall report on circumstances where the Special Urgency provisions have been used during the year preceding the Annual Meeting;
- (m) receive a report on any changes made to the Council's Constitution since the last Annual Meeting; and
- (n) consider any business set out in the notice convening the meeting including the Annual State of the Borough Debate at 1.3.

1.2 Selection of Councillors on Committees

At the Annual Meeting, the Council will:

- (a) decide which Committees to establish for the municipal year;
- (b) decide the size and terms of reference for those Committees;
- (c) decide the allocation of seats to political groups in accordance with the political proportionality rules;

- (d) receive nominations of Councillors to serve on each Committee; and
- (e) appoint to those Committees except where appointments have been delegated by the Council or are exercisable only by the Mayor or Executive.

but this is without prejudice to the right of the Council at any time to establish or dissolve any non-Executive Committee or to review its size and terms of reference.

1.3 The Mayor will lead an `Annual State of Borough` debate to provide an opportunity for a discussion on policy matters and issues affecting the Council and the Borough; the following procedure shall apply:

- (a) The debate will last for up to 1 hour;
- (b) The debate will begin with a 15 minute introduction by the Mayor;
- (c) The remaining 45 minutes will be divided proportionally (to the nearest minute) between the political groups on the council. It will be for each group to determine how much time each of their speakers will have subject to a minimum speech length of two minutes. There is no maximum speech length providing that group's overall time limit is not breached;
- (d) Lists of speakers must be provided to the Monitoring Officer before the start of the meeting;
- (e) The 45 Minute Debate will end with the Mayor or the Mayor's appointee;
- (f) The Mayor and the Group Leaders of the other political groups may speak twice should they wish. All other Councillors may speak only once;
- (g) There will be no motions, reports or votes on the debate.

2 BUDGET MEETING(S)

2.1 A meeting will take place on a date decided by Council or the Chief Executive. The purpose of this meeting will be to determine the Council's budget and set the Council Tax for the following financial year. The Budget Meeting will be conducted in accordance with the provisions of this rule.

2.2 The order of business at the Budget Meeting will be as follows:-

- (a) As per Rules 1.1(a), (d) and (f);
- (b) to receive any petitions which only relate to the Council's budget or to the setting of the Council Tax in line with the procedures set out in the Council's Petition scheme;

- (c) to consider the report from the Mayor and Executive upon the Council's budget and setting of the Council Tax for the following year and any associated business; and
- (d) any other business which by statute or in the opinion of the Chief Executive after consultation with the Speaker of the Council requires to be transacted at the meeting;

- 2.3** Rules 10 and 11 of these Rules shall not apply to the Budget Meeting.
- 2.4** Motions proposing amendments to the proposals shall be submitted in writing to the Monitoring Officer by no later than 9.30 a.m. on the working day prior to the Budget Meeting to enable the preparation of the advice of the Chief Finance Officer and any amendments shall be circulated to the Mayor and Councillors, with any officer comments, at least 24 hours, before the meeting.
- 2.5** Other than amendments notified in advance as above, no further substantial amendment may normally be moved at the budget meeting but the Council may, subject to the advice of the Monitoring Officer, Section 151 Finance Officer and Chief Executive, agree that an amendment without notice can be debated.
- 2.6** The Speaker will remind the Councillors at the start of the meeting of the importance, where possible, of all amendments being moved at the beginning of the debate or as soon as the need for the amendment is identified; and before moving to the 'right of reply' and voting stage of the meeting, the Speaker will give a final invitation for any further amendments. No new amendment may be proposed once the call for the vote has commenced.
- 2.7** When moving the budget proposals of the Mayor and Executive, the Mayor and/or another Executive Councillor may speak for up to 10 minutes.
- 2.8** Once the proposals of the Executive have been moved and seconded the other Political Group Leaders (or their nominee) shall then be invited to speak for up to 5 minutes. The order of speaking shall be commensurate with the number of Councillors in each group from the Leader of the largest group to the Leader of the smallest group. Where groups are of equal size, the order of speaking shall be at the Speaker of the Council's discretion.
- 2.9** During the course of their speeches Group Leaders (or their nominees) shall move any amendments they have notified prior to the deadline.
- 2.10** Once each Group Leader (or their nominee) has been invited to speak the Speaker of the Council shall invite any other Councillor who has notified an amendment prior to the deadline to speak for up to 3

minutes and during the course of their speech that Councillor shall move his/her amendment.

- 2.11** The Council will then debate the matters before it for consideration. The order of speakers shall be at the discretion of the Speaker of the Council. Subject to Rules 2.12 and 2.13 below, a Councillor may speak only once during the debate and in the course of his/her speech may address the proposals of the Executive and/or any amendment(s) that may be moved. All speeches shall be limited to a maximum of 3 minutes.
- 2.12** At the discretion of the Speaker of the Council a Group Leader (or their nominee) who has previously spoken in accordance with Rule 2.8 of these Procedure Rules may speak again during the general debate and any such further speech by a Group Leader (or their nominee) or any other Councillor shall be in accordance with the time limits and procedural requirements of Rule 13 of these Rules.
- 2.13** At the conclusion of the general debate the Mayor or on his behalf any other Executive Councillor who may have moved the proposals of the Executive may exercise a right of reply for up to 3 minutes.
- 2.14** The Council will then vote on any amendments that have been moved and seconded and not withdrawn, in the order in which they were moved. Each amendment shall be disposed of in turn and in its entirety.
- 2.15** Following the voting on all amendments Council shall make its determination. Pursuant to the Budget and Policy Framework Procedure Rules if the Council adopts the proposals of the Executive without amendment the decision shall become effective immediately.
- 2.16** If Council wishes to make any objection or amendment to the Executive's proposals, it shall require the Mayor and Executive to re-consider in the light of those objections or amendments.
- 2.17** At the Budget Meeting Rules 12.1(k)(iii) (Motion without notice to suspend a Procedure Rule) and 23 (Suspension and amendment of Council Procedure Rules) of these Procedure Rules shall not apply.

3. ORDINARY MEETINGS

- 3.1** Ordinary meetings of the Council will take place in accordance with the programme below:

Introductions, Minutes, Declarations, Announcements:

(a) As per Rules 1.1(a), (d), (e) and (f);

Mayor's Report

- (b) receive the Mayor's report, who may speak for up to 6 minutes on the item;
- (c) the Speaker shall invite the other Political Group leaders to respond for up to 2 minutes each;

Public Petitions

- (d) this is limited to up to 4 Petitions and the Petition Scheme Procedures apply;
- (e) the relevant Councillor shall report the Council's response to Petitions received;
- (f) all other petitions that have been submitted will be noted and the Speaker will announce where the Petitions will be sent for a detailed response;

Administration Motion Debate

- (g) consider an Administration Motion in accordance with Rules 11 and 13;

Opposition Motion Debate

- (h) consider a Motion from an Opposition Group in accordance with Rules 11 and 13;

Reports

- (i) receive reports from the Executive and the Council's Committees requiring a decision and receive questions and answers on any of those reports as required by law or specifically referred by those bodies;
- (j) to receive other reports as required; and

Questions by Councillors on Notice

- (k) to receive questions from Councillors; and

Motions

- (l) consider motions as set out in Rule 11.

4. EXTRAORDINARY MEETINGS

4.1 Those listed below may request the Chief Executive to call extraordinary Council or Committee meetings in addition to ordinary meetings:

- (a) Council by resolution;
- (b) the Speaker;
- (c) The Monitoring Officer; or

(d) any 5 Councillors of Council or a relevant Committee if they have signed a requisition that has been presented to the Speaker of the Council and s/he has refused to call a meeting or has failed to call a meeting within 7 days of such.

4.2 When requested, the Monitoring Officer will in consultation with the Chief Executive shall call a meeting of the Council or Committee unless the Chief Executive is of the opinion that holding such a meeting would not be an efficient use of resources and the subject matter of the business can conveniently wait until the next Ordinary Meeting of the Council or Committee.

4.3 Only the business specified in the resolution, request or requisition which led to the calling of the Extraordinary Meeting can be conducted at this meeting.

5. **TIME, PLACE, POSTPONEMENT AND CANCELLATIONS OF MEETINGS**

5.1 All Council meetings will commence at 7.00pm and take place at the Town Hall unless the Speaker or the Chair of the relevant Committee/Sub-Committee decides otherwise. This will be in consultation with the Monitoring Officer.

5.2 The Monitoring Officer in consultation with the Chief Executive is authorised to either cancel or postpone a meeting of Council or any meeting of Cabinet or a Committee/Sub-Committee if it is deemed that there is insufficient business to transact or some other appropriate reason warranting its cancellation/postponement.

5.3 The Monitoring Officer is authorised to vary the time, date and place of any meeting where there is good justification in consultation with the Chief Executive, the Speaker, the Mayor, Chair of the Committee/Sub-Committee and other Political Group Leaders as appropriate.

6. **NOTICE OF AND SUMMONS TO MEETINGS**

6.1 The Monitoring Officer will give notice to the public of the time and place of any meeting of Council, Cabinet or Committee/Sub-Committee in accordance with the Access to Information Procedure Rules at Part 4.2 of the Constitution.

6.2 At least 5 clear working days before a meeting not including the day the notice is given and the day of the meeting, the Monitoring Officer will send a summons to the Mayor and Councillors giving the date, time and place of the meeting, specify the business to be transacted, and will be accompanied by any available reports. If necessary addendum reports to the reports on the agenda will be permitted within the

preceding five days to the meeting or at the meeting subject to the report setting out 'reasons for urgency'.

7. CHAIR OF MEETING

- 7.1** Participation in a Cabinet, Committee, Panel or other formal meeting by a Councillor or other person who is not an appointed Councillor or substitute Councillor of the meeting shall be at the discretion of the person chairing the meeting.

8. QUORUM

- 8.1** Subject to any specific quorum requirements set out in the terms of reference of a particular body, the quorum of a meeting will be one quarter of the whole number of Councillors or 3 voting Councillors, whichever is the greater.

- 8.2** Subject to any exceptions in Rule 25 if a quorum is not reached 15 minutes after the appointed start time of the meeting, the meeting will stand adjourned.

- 8.3** During any meeting if the Chair counts the number of Councillors present and declares there is not a quorum, then the meeting will adjourn immediately. Remaining business will be considered at a time, date and place fixed by the Speaker, Chair or Monitoring Officer. If a date is not fixed, the remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETING

- 9.1** Subject to any exceptions in Rule 26, all Council Meetings will end after a period of 3 hours but an extension may be agreed by resolution to extend the meeting for an additional period of up to 30 minutes.

- 9.2** If the business of a Council meeting has not been concluded after it has convened for 3 hours or 3½ hours (if the extension in rule 9.1 is applied), when the Councillor speaking has concluded their speech, the Chair will draw the attention of the meeting to this rule. If a matter is being debated, the debate shall immediately be concluded as if the motion, 'That the question be now put' had been moved and carried.

- 9.3** Any matters, (other than motions on notice) on the agenda that have not been dealt with by the end of the meeting shall be deemed formally moved and seconded together with amendments notified in writing to the Monitoring Officer by noon on the day of the meeting. They will be put to the meeting without any further discussion. A recorded vote under rule 16.4 will be taken, if called for and the requirements of that rule are met, on matters dealt with under this

guillotine. During the process in this rule the only other matters which may be raised are points of order. When all matters have been dealt with, the Chair will declare the meeting closed. Any motions on notice under Rule 12 not dealt with before the guillotine is applied shall be deemed to have fallen with the exception of the motions for 'Administration and Opposition Motion Debates' which will be voted on along with any amendments received by noon on the day of the meeting.

10. QUESTIONS BY COUNCILLORS

10.1 A Councillor may ask the Mayor or the Chair of a Committee/Sub-Committee questions without notice about an item in a report of the Executive or of that Committee/Sub-Committee when it is being considered.

10.2 Subject to rule 10.4, at an Ordinary meeting of Council a Councillor may ask the Speaker or the Mayor, a question about any matter in relation to which the Council has powers or duties or which affects the Borough. Questions can also be put to the Chair of any Committee/Sub-Committee in relation to any matters that is within the Committee/Sub-Committee's remit.

10.3 Questions at an Extraordinary Council meeting must relate to a matter on that agenda only.

10.4 Questions relating to Executive functions and decisions taken by the Mayor will be put to and should be answered by the person responsible for those decisions, namely the Mayor, unless he delegates such a decision to a Councillor who will therefore be responsible for answering the question. In the absence of the Mayor, the Deputy Mayor will answer questions directed to the Mayor.

10.4 A Councillor may only ask a question under Rule 10.2 above if either:

(a) notice in writing of the question has been given by noon at least 9 clear working days before the meeting not including the day that notice is given and the day of the meeting to the Monitoring Officer; or

(b) the question relates to an urgent matter; they have the consent of the Councillor to whom the question is to be put; and the content of the question is given to The Monitoring Officer by noon on the day of the meeting; or

(c) at an Extraordinary Council meeting notice in writing has been given by noon at least 2 clear working days before the meeting to The Monitoring Officer.

- 10.5** The Monitoring Officer may reject a question if it:
- (a) is not about a matter for which the local authority has a responsibility or which affects the Borough;
 - (b) is defamatory, frivolous or offensive; is substantially the same as a question which has been put at a meeting of Council in the past 6 months;
 - (c) requires the disclosure of confidential or exempt information; and/or
 - (d) seeks to pursue or further a complaint against the Council, where other channels already exist for the determination of complaints.
- 10.6** If a question is rejected, the Councillor who submitted it will be notified in writing before the meeting and given an explanation for the rejection.
- 10.7** An answer may take the form of:
- (a) a written answer circulated to the questioner;
 - (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - (c) where the reply cannot conveniently be given in writing, a direct oral answer.
- 10.8** A Councillor asking a question under Rule 10.2 may ask one supplementary question without notice, but the supplementary question must arise directly out of the original question or reply. The Speaker may reject a supplementary question on any of the grounds in Rule 10.5 above or if the question takes the form of a speech.
- 10.9** The provisions of 10.2 above also apply to questions about the business of a joint authority of which the Council is a partner or questions about the activities of a company or external organisation to which the Council nominates and in these cases the question is put to the Councillor who has been appointed as the Council's representative.
- 10.10** Questions are limited to 1 per Councillor per meeting, plus 1 supplementary question unless the Councillor has indicated that only a written reply is required and in these circumstances a supplementary question is not permitted. A question that requires an answer in respect of 2 or more points (a multi-question) is not deemed to be 1 question.

- 10.11** Written responses will be published after the meeting. Where a question is put at the meeting, a time limit of 1 minute shall be applied to the question and to the oral response. Supplementary questions and responses will also be time-limited to 1 minute each.
- 10.12** Subject to time available at the Meeting, there will be a maximum time-limit of 30 minutes on Councillors' questions with no extension of time, and questions not dealt with in this time will be dealt with by written responses and which are to be provided within 28 days of the Meeting. Unless the Speaker decides otherwise, the order of Councillors' question shall alternate between the administration and one of the other Political Groups, with the questions from other Political Groups drawn in turn, starting with the largest Group. The Speaker shall have discretion, within the 30 minutes allocated for Questions, to vary the printed order of questions to allow an 'ungrouped' Councillor to put his/her question or to ensure that at least 1 Councillor from each Political Group has the opportunity to put a question.
- 10.13** Councillors will confine their contributions to questions and answers and must not make statements or attempt to debate. The Speaker will decide whether a Councillor is contravening this rule and if so will stop the Councillor concerned and move on to the next question if necessary. The Speaker's ruling is final.

11. MOTIONS – ON NOTICE

- 11.1** Except for motions which can be moved without notice under Rules 12 and 14, written notice of every motion, signed by the Councillor proposing the motion and a seconder, must be delivered to the Monitoring Officer no later than noon 9 clear working days before the meeting not including the day of delivery of the notice and the day of the meeting. The notice shall specify the Council meeting for which it is submitted. For any meeting, no Councillor may propose more than 1 motion by way of written notice.
- 11.2** A Councillor given as above must state the reason for urgency who wishes to move the suspension of this Rule to enable a motion to be debated where prior notice has not been before the proposal to suspend this Rule is put to the meeting. If the Speaker does not accept the reason for urgency then the Motion will not be accepted
- 11.3** Motions will be included on the agenda in order with the Administration Motion for debate first, followed by the Opposition Motion for debate. Any remaining motions shall be placed on the agenda to alternate between the administration and the other Political Groups, with the Opposition Group motions starting with the largest

Political Group not to have that meeting's Opposition Motion Debate slot.

11.3 A motion must be about a matter for which the Council has a responsibility or which affect the area. The Monitoring Officer may reject a motion if it:

- (a) is not about a matter for which the local authority has a responsibility either directly or with its partners;
- (b) is defamatory, frivolous or offensive or otherwise suitable;
- (c) is substantially the same as a motion which has been put at a meeting of the Council in the past 6 months and does not meet the requirements of Rule 13.2;
- (d) requires the disclosure of confidential or exempt information or a case which is currently under judicial scrutiny; and/or
- (e) seeks to pursue or further a complaint against the Council, where other channels already exist for the determination of complaints.

11.4 If a motion is rejected the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection. The Speaker of the Council may also, on the advice of the Chief Executive, refuse any motion which contravenes these requirements.

11.5 At each ordinary meeting of Council there will be specific time set aside for one Administration and one Opposition Motion debate. The following rules will apply:

- (a) The debates will be on the first administration and opposition motions set out in the Motions report included in the agenda.
- (b) Motions tabled without notice may not take the place of either of these motions.
- (c) Notice in writing of any amendment must be given to the Monitoring Officer by noon the day before the meeting.
- (d) The opposition motion debate will alternate in sequence between the opposition groups starting at the first ordinary meeting following the local elections with the largest opposition group and then going in sequence until the next local elections. Should there be changes to the number of political groups this sequence will be adjusted as necessary.
- (e) Both the administration and opposition motion debates will be for a maximum of 30 minutes each.
- (f) Standard procedures for a motion debate will apply to the debate itself (including on length of speeches and tabling amendments).

- (g) If the guillotine falls during or before the debate the motions and any amendments already tabled will be voted on along with any other amendments received by Noon on the day before the meeting.

12. MOTIONS AND AMENDMENTS – WITHOUT NOTICE

12.1 Subject to Rule 11.2 the following motions and amendments may be moved without notice provided they do not contravene the requirements of Rule 11.3 above. Once such a motion or amendment has been moved, seconded and has been accepted by the Speaker it shall unless the Speaker decides otherwise be put and voted on without debate:-

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the Minutes;
- (c) to change the order of business in the Agenda in circumstances where the Speaker is satisfied that there are exceptional circumstances to permit such change. In addition, the Councillor seeking to change the order must address such exceptional circumstances;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Councillor arising from an item on the summons for the meeting;
- (f) to receive reports and recommendations of Committees or officers and to make any decisions necessarily arising;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to extend the meeting under Rule 9;
- (n) to suspend a Procedure Rule to which Rule 23 applies;
- (o) to exclude the public in accordance with the Access to Information Procedure Rules;
- (p) not to hear a Councillor further because of misconduct (as set out in rule 22.2);
- (q) to require a Councillor to leave the meeting for continued improper behaviour (as set out in rule 22.3); and

(r) to give the consent of Council where its consent is required by this Constitution.

13. RULES OF DEBATE

13.1 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

13.2 Unless notice of the motion has already been given in writing, the Speaker shall require any motion or amendment to a motion to be presented with enough copies for circulation to all Councillors. The Speaker can request the motion be handed to her/him so that it can be read out to Councillors before it is discussed.

13.3 When seconding a motion or amendment, a Councillor may reserve her/his speech until later in the debate.

13.4 No speech may exceed 3 minutes without the consent of the Speaker except for the proposer of any motion who shall be allowed up to 4 minutes.

13.5 Subject to these procedure rules, the order of speakers shall be determined by the Speaker. The Mayor or a Councillor who wishes to speak shall indicate and shall wait until called by the Speaker. In determining the order of speakers the Speaker may take into consideration whether previous speakers have supported or opposed the motion under debate; the particular concerns of any ward councillors; and/or any notification by a political group of Councillors of their group who wish to speak on the matter.

13.6 An amendment to a motion must be relevant to the motion and may:-

(a) refer the motion to an appropriate body or individual for consideration or re-consideration;

(b) leave out words;

(c) leave out words and insert or add others; and/or

(d) insert or add words;

as long as the effect is not to completely re-write or negate the motion.

13.7 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

13.8 After an amendment has been carried, the Speaker may choose to read out the amended motion before putting it to the vote.

- 13.9** A Councillor may alter a motion of which s/he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion. This amendment can be at the suggestion of another Councillor at the meeting and is often referred to as a 'friendly amendment'.
- 13.10** A Councillor may alter a motion which s/he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- 13.11** Only alterations which could be made as an amendment may be made under this rule.
- 13.12** A Councillor may withdraw a motion which s/he has moved with the consent of both the meeting and the seconder. Consent will be signified without discussion. No Councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.
- 13.13** The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote.
- 13.14** If an amendment is moved, the mover of the original motion also has a right of reply at the close of debate on the amendment, but may not otherwise speak on the amendment.

14 PROCEDURAL MOTIONS

- 14.1** When a motion is under debate, no other motion may be moved except the following:
- (a)** to withdraw the motion
 - (b)** to amend the motion;
 - (c)** to proceed to the next business;
 - (d)** that the question be now put;
 - (e)** to adjourn a debate;
 - (f)** to adjourn a meeting;
 - (g)** that the meeting continue for a further 30 minutes;
 - (h)** to exclude the press and public; and
 - (i)** that a Councillor be not further heard or to exclude the Councillor from the meeting.

14.2 At the end of a speech by another Councillor, a Councillor may move without comment the following motions:

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

14.3 If a motion to proceed to next business is seconded and the Speaker thinks the item under discussion has been sufficiently discussed, s/he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

14.4 If a motion that the question be now put is seconded and the Speaker thinks the item has been sufficiently discussed, s/he will put the procedural motion to the vote. If it is passed, s/he will give the mover of the original motion a right of reply before putting her/his motion to the vote.

14.5 If the Speaker considers that the item has not been sufficiently discussed and cannot reasonably be discussed on that occasion, s/he will adjourn the debate or adjourn the meeting without giving the mover of the original motion the right of reply.

14.6 A Councillor may raise a point of order at any time and the Speaker will hear them immediately. A point of order may only relate to the alleged breach of these Council Procedure Rules or the law. The Councillor must indicate the rule or law which must be specified at the outset and the way in which the Councillor considers it has been broken. The ruling of the Speaker on the matter is final.

14.7 A Councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The ruling of the Speaker on the admissibility of a personal explanation is final.

15. PREVIOUS DECISIONS AND MOTIONS

15.1 A motion to rescind a decision arising from a motion moved and adopted at a Council meeting within the past 6 months cannot be moved unless the notice of motion is signed by at least twenty Councillors.

15.2 A motion or amendment in similar terms to one which has been rejected at a Council meeting within the past six months cannot be

moved unless notice of motion or amendment is given signed by at least twenty Councillors .

15.3 Once a motion or amendment to which this Rule applies has been dealt with, no Councillor can propose a similar motion or amendment within the next four months.

16. VOTING

15.1 The Mayor and all Councillors are entitled to vote unless exempted.

16.1 Unless this Constitution (or the law) provides otherwise, any matter will be decided by simple majority of the Mayor and Councillors present.

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

16.3 Unless a recorded vote is demanded the Speaker will take the vote by a show of hands, or any other of voting method that has been introduced. If there is no dissent this can be by simple affirmation of the meeting. A recorded vote must be requested before a vote is taken.

16.4 If 20 Councillors present at the meeting request it the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

16.5 In relation to any debate at a Budget Council Meeting on the authority's budget and level of the Council Tax to be levied for each financial year, a recorded vote shall take place on any amendment that is put to the vote during that debate and on the substantive motion. Such votes to be undertaken in accordance with Procedure Rule 15.4

16.6 Where any Councillor requests it immediately after a vote, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

16.7 If more nominations are made than there are positions available, the meeting will vote in turn on each nomination separately, in the order in which they were nominated, until the vacant position(s) are filled. Before any vote is taken the Speaker of the Council or person presiding shall establish that each candidate nominated, if present, is willing to stand.

17. PETITIONS

17.1 The Council has adopted a Petition Scheme and which is attached at Appendix 1. All Petitions are considered in accordance with that Scheme.

18. STANDARDS ADVISORY COMMITTEE REPORTS

18.1 The Chair of the Standards Advisory Committee and the Independent Person shall both be entitled to address Council on any report referred to them by the Standards Advisory Committee.

19. EXCLUSION OF THE PUBLIC

19.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4.2 of this Constitution or Rule 24 (disturbance by the public).

20. COUNCILLORS' CONDUCT

20.1 When the Speaker of the Council stands during a debate any Councillor(s) then standing must sit down and the Council must be silent.

20.2 If a Councillor persistently disregards the ruling of the Speaker, or behaves inappropriately, offensively, or is deliberately obstructing business, the Councillor will be provided with a warning by the Speaker. If the Councillor continues to behave in any such manner, the Speaker, in consultation with the Chief Executive and the Monitoring Officer, has the authority to order the Councillor in question to leave the meeting.

21. DISTURBANCE BY PUBLIC

21.1 If a member of the Public interrupts proceedings or is otherwise causing an annoyance, the Speaker of the Council will warn the person concerned and, if the interruption continues, will order the person's leave the Council Chamber. This includes behaviour during filming or otherwise recording the Meeting.

21.2 If there is a general disturbance in any part of the Council Chamber open to the public the Speaker of the Council shall order that part to be cleared.

22. FILMING AND RECORDING

22.1 Members of the public are permitted to film, audio record, take photographs or make use of social media (tweet/blog) at Council and Committee meetings provided that this does not disturb the business of the meeting. If a person wishes to film a particular meeting, please liaise with the Council Officer listed on the front of the Agenda prior to the start of the meeting so that the Speaker or Chair is aware and those attending the meeting can be made aware of any filming taking place

22.2 Filming is to be limited to the formal meeting area and not extend to those in the public seating area.

22.3 The filming etc. must be done in such a way that does not cause a breach of health and safety or cause an annoyance. There may also be occasions where those filming may be asked not to film particular individuals where it is considered that there is good reason not to do so and which could allow the meeting to remain open to the press and public. The Speaker/Chair will make the final decision on all matters of dispute in regard to the use of social media audio-recording, photography and filming in the meeting.

23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

23.1 Except where these rules provide otherwise, any of the Council Procedure Rules to which this Rule applies may be suspended for all or part of the business of a meeting at which suspension is moved by a motion.

23.2 Such a motion cannot be moved without notice unless at least ½ of the voting Councillors of the meeting are present.

23.3 This Rule applies to the Rules 10 to 13.

24. SPECIFIC EXEMPTIONS APPLYING TO OTHER MEETINGS/COMMITTEES AND SUB-COMMITTEES

24.1 General

(a) The person presiding at a meeting of any Committee or Sub-Committee may exercise any power or duty of the Speaker of the Council in relation to the proceedings of that meeting. Where these rules apply to meetings of Committees and Sub-Committees, references to the Speaker of the Council also include the Chairs of Committees and Sub-Committees

(b) A petition to any Cabinet, Committee or Sub-Committee meeting must relate to an item of business for decision at that meeting. In relation to Overview and Scrutiny Committee meetings this

excludes an item which is listed for Cabinet Agenda pre-decision scrutiny but is not otherwise included on the committee agenda.

- (c) Rules 5 to 9, 13.1 to 13.3, 13.5, 13.6 and 16 to 23 apply to meetings of all Committees and Sub-Committees, except as specifically referred to below.
- (d) As well as allocating seats on Committees and Sub-Committees/Panels, the Council will allocate seats in the same manner for substitute Councillors.
- (e) For each Committee or Sub-Committee/Panel, the Council will appoint up to 3 substitute Councillors, nominated by each relevant Political Group.
- (f) Substitute Councillors will have all the powers and duties of any ordinary Councillor of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.
- (g) Substitute Councillors may attend meetings in that capacity only:
 - (i) to take the place of the ordinary Councillor for whom they are the designated substitute; and
 - (ii) after notifying the Monitoring Officer (or her/his representative at the meeting) by the time scheduled for the start of the meeting of the intended substitution
- (h) A substitute Councillor may, where necessary, take the place of the ordinary Councillor for part of a meeting or for only (a) specific agenda item(s), subject to prior notification as above and subject to any handover between the Councillors taking place at the beginning of a new agenda item.

24.2 Appeals Committee/Sub-Committee, Development and Strategic Development Committees, and Licensing Committee/Sub-Committee

- (a) After sitting for 3 hours, an extension may be agreed for up to a period of up to 1 hour so as to conclude the item/application under consideration, provided that the meeting does not extend beyond 11.30pm in any event.
- (b) Where any items on the agenda that have not been dealt with by the end of the meeting shall be dealt with either at a special meeting of the Committee/Sub-Committee convened to deal with those items or at the next normal meeting of the relevant Committee/Sub-Committee.

24.3 Licensing Committee

- (a) There are no substitutes permitted for the Licensing Committee.
- (b) In the case of a Licensing Committee/Sub-Committee being inquorate after 15 minutes the legal adviser to that such has the

authority to agree an extension of up to an additional 30 minutes to proceed.