

COUNCIL AND COMMITTEE PROCEDURE RULES

For the purposes of Article 1 of this Constitution these Council Procedure Rules are Standing Orders of the Council.

PART 1 – MEETINGS OF THE FULL COUNCIL

1. ANNUAL MEETING OF FULL COUNCIL

1.1 Date of Annual Meeting

In a year when there is an ordinary election of Members, the Annual Meeting of the Full Council will take place within 21 days of the retirement of the outgoing Members. In any other year, the Annual Meeting will take place in April or May.

1.2 Business

The Annual Meeting of the Full Council will:

- (a) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (b) elect the Chairman of Council;
- (c) elect the Vice-chairman of Council;
- (d) receive any declarations of interest from Members;
- (e) approve the minutes of the last meeting as a correct record and to authorise the Chairman to sign them;
- (f) elect the Leader;
- (g) receive any announcements from the Chairman of Council and/or Head of Paid Service;
- (h) note the appointment of the Deputy Leader and any Portfolio Holders made by the Leader;
- (i) appoint at least one Overview and Scrutiny Committee, a Licensing Committee, a Health and Wellbeing Board and such other Committees or Boards as the Full Council considers appropriate to deal with matters within its control, their size, terms of reference and powers;
- (j) decide the allocation of seats on Committees to political groups in accordance with the rules on political balance;
- (k) receive nominations from political groups for Members to serve on committees or any outside body and to make appointments to each committee or outside body, except where the Full Council has delegated the appointment or is exercisable only by the Leader;
- (l) make any other appointments as may be necessary;

- (m) approve a programme of ordinary meetings of the Full Council and its Committees for the year;
- (n) receive and reply to any question and/or statement from the public;
- (o) receive and reply to any petition and/or deputation from the public;
- (p) deal with any questions by Members;
- (q) consider any notice of motion;
- (r) receive, consider and reply to any report or recommendations formally submitted by any Overview and Scrutiny Committee or any other Committee or Board;
- (s) consider item(s) that in the opinion of the Chairman of Council should be considered at the meeting as a matter of urgency; and
- (t) consider any other business set out in the notice convening the meeting.

2. ORDINARY MEETINGS OF FULL COUNCIL

2.1 Date of ordinary meetings

Five ordinary meetings of the Full Council will take place on dates agreed by the Full Council at its Annual Meeting provided that the Chairman in consultation with the Head of Paid Service may if s/he considers that it is appropriate to do so, direct that the meeting shall be cancelled or held on another date.

2.2 Business

Ordinary meetings of the Full Council will:

- (a) elect a person to preside if the Chairman of Council and Vice-Chairman of Council are not present;
- (b) receive any declarations of interest from Members;
- (c) approve the minutes of the last meeting as a correct record and to authorise the Chairman to sign them;
- (d) receive any announcements from the Chairman of Council or Head of Paid Service;
- (e) receive any report from the Leader and Portfolio Holders and receive any reply from the Leader and Portfolio Holders to Members' questions;
- (f) receive and reply to any question and/or statement from the public;
- (g) receive and reply to any petition and/or deputation from the public;

- (h) receive, consider and reply to any report or recommendations formally submitted by any Overview and Scrutiny Committee, other Committee or Board;
- (i) deal with any business from the last Council meeting;
- (j) deal with any Valid Member Questions;
- (k) consider any notices of motion;
- (l) consider any item(s) that in the opinion of the Chairman of Council should be considered at the meeting as a matter of urgency; and
- (m) consider any other business specified in the notice convening the meeting.

3 EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings

The following may request the Proper Officer to call an extraordinary meeting of the Full Council:

- (a) the Full Council by resolution;
- (b) the Chairman of Council;
- (c) the Head of Paid Service;
- (d) the Monitoring Officer; or
- (e) any five Members if they have signed a requisition presented to the Chairman and the Chairman has refused to call a meeting or has failed to call a meeting with seven days of the presentation of the requisition.

3.2 Business of extraordinary meetings of the Full Council

Unless the Chairman is of the opinion that an item should be considered as a matter of urgency, Full Council will only consider the business which is specified in the notice of the extraordinary meeting. Petitions, questions, deputations and statements will be accepted only if they relate to the business for which the extraordinary meeting has been arranged.

4 TIME AND PLACE OF MEETINGS AND ITEMS ON AN AGENDA

4.1 Time and place of meetings

The first Annual Meeting of the Full Council will take place at South Walks House Dorchester at 10am unless the Head of Paid Service decides otherwise. The time and place of subsequent meetings of the Full Council will be decided by the Full Council at its Annual Meeting and notified in the agenda for the meeting.

4.2 Items on an agenda

- (a) Unless the law otherwise requires, items will be included on an agenda:
- (i) at the request or at the direction of the Chairman;
 - (ii) as required by these Council Procedure Rules, the Petition Scheme or any other provision of the Constitution;
 - (iii) as required by resolution of the Full Council and/or by way of a requisition;
 - (iv) at the request of the Head of Paid Service subject to prior consultation with the Chairman;
 - (ii) at the request of the Monitoring Officer or Section 151 Officer subject to prior consultation with the Chairman (unless unavailable or absent);
 - (iii) in accordance with a requirement of the Overview and Scrutiny Committee to consider and reply to a report or recommendation;
 - (iv) to consider any recommendation or referral from a Committee or Sub-Committee of the Full Council;
 - (v) to consider any Officer report identified by any Officer (nominated by the Head of Paid Service for such a purpose) as appropriate to go to Full Council and/ or which refers to any matter which the Constitution or law requires to be considered by Full Council; and/or
 - (vi) in the case of an extraordinary meeting of Full Council to address the requirements for which the extraordinary meeting has been called.
- (b) The Head of Paid Service (or any other person as the Head of Paid Service may nominate) with the agreement of the Chairman shall decide the appropriate meeting of the Full Council to which an item should be considered and the order of all such items.

4.3 Acting in absence

In the event of the Chairman of Council being absent or unavailable at any time when there is a need to make any decision/perform any action identified in these Council Procedure Rules contained in this Constitution as being decided or performed by the Chairman of Council then for the avoidance of doubt unless the procedure rules identify otherwise that decision/action can be performed by the Vice-Chairman of Council or if both are absent or unavailable then by such other Member as the Head of Paid Service may at his absolute discretion determine (if any).

5 NOTICE AND AGENDA FOR MEETINGS

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. Normally at least

five clear working days before a meeting, the Proper Officer will send (or where a Member has given an email address, e-mail) a copy of the agenda to every Member. The agenda will be authenticated in such manner as the Proper Officer considers appropriate, give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6 CHAIRING THE MEETING

The person presiding at a meeting of Council may exercise any power or duty of the Chairman.

7 QUORUM

7.1 Full Council

The minimum number of Members required to be present or quorum for a meeting of the Full Council is 21.

7.2 Absence of a quorum

If during any meeting, the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. No further business will be considered. Any remaining business will be considered at a time and date fixed by the Chairman. If the Chairman does not fix a date, any remaining business will be considered at the next ordinary meeting.

8. DURATION OF THE MEETING

8.1 Time limit

If the business of the meeting has not been concluded within three hours the Chairman will interrupt the meeting and if appropriate call for a vote to be taken immediately on the item under discussion. A vote to either extend the meeting for a further specific period or to adjourn will then be taken on the item in the usual way without any further discussion. .

8.2 Agenda items not dealt with

Any unresolved agenda items will be adjourned to a date decided by the Proper Officer in consultation with the Chairman.

9. PUBLIC PARTICIPATION TIME

9.1 General

As part of every ordinary meeting of the Full Council a period of time will be set aside for any member of the public living or working within the Council's area; and any appointed representative of any organisation operating within the Council's area to:

- (a) ask a question of the Leader or Portfolio Holder;
- (b) make a statement; or

- (c) present a petition.

In the case of an extraordinary meeting of the Full Council, if in the opinion of the Chairman a question, statement or petition specifically is about the matter for which the extraordinary meeting has been called, the Chairman may allow such question, statement or petition to be made.

9.2 Time for public questions, statements and petitions

- (a) A period of 15 minutes will be set aside at each meeting of the Full Council to receive and reply to any questions or statements from members of the public or appointed representatives.
- (b) A further period of up to 15 minutes will be set aside for the Full Council to receive and to reply to any petitions from members of the public or appointed representatives.
- (c) The Chairman may increase any of the periods for the asking of questions, the making of statements or receiving petitions if in the Chairman's opinion, the importance of the issue raised merits it and to do so would not have an adverse impact on the efficient running of the meeting.

9.3 Number and duration of questions/statements

- (a) At any one meeting of the Full Council no person or organisation may ask/make more than two questions and/or statements in total during public participation time. Sub-divided questions will count towards this total.
- (b) No more than three minutes shall be allowed for any one question or statement to be asked/read.

9.4 Notice of questions/statements

A question may only be asked or a statement read if notice has been given in writing or by email to the Proper Officer at least three clear working days before the Full Council meeting. Each question/statement must include:

- (a) the name and address of the person wanting to ask the question/read the statement;
- (b) the title of the Member to whom the person would prefer it to be directed (if any). A statement may be expressed to be a statement to the Full Council as a whole; and
- (c) the text of the question or the statement.

9.5 Scope of questions/statements

- (a) The Chairman in consultation with the Proper Officer may reject any question/statement if s/he considers that it:

- (i) is not about a matter for which the Council has a responsibility and/or which affects its area;
 - (ii) is defamatory, frivolous or offensive;
 - (iii) is substantially the same or is about a subject which is substantially the same as a question, statement, petition or deputation that has been asked/received at a meeting of the Full Council in the past six months;
 - (iv) has already been answered or dealt with through other mechanisms or procedures such as the Council's complaints procedure or the Local Government Ombudsman;
 - (v) requires the disclosure of confidential or exempt information;
 - (vi) is about any planning or licensing matter or similar such matters/any on-going investigation; and/or
 - (vii) is otherwise inappropriate for such a question/statement to be asked/read out.
- (b) If the Chairman decides that a question/statement cannot be asked/made at a meeting of the Full Council, then the reason why not will be sent to the person seeking to raise it.

9.6 Identification of who will reply

- (a) The Chairman in consultation with the Proper Officer shall decide the most appropriate Member to reply to any question/statement where a reply is needed. If this differs from that identified by the person presenting the question/statement then this shall be identified before the question/statement is read.
- (b) The Proper Officer will arrange for each question/statement that is to be presented to be given to any Member who is to reply as soon as reasonably practicable following its receipt.

9.7 Order of questions/statements

Questions/statements will be read in the order in which notice of them was received. Where more than one question/statement is submitted by a person/on behalf of an organisation, the questions/statements will also be dealt with in such order as the Chairman considers appropriate. The Chairman may also decide to group together similar questions.

9.8 Asking the question/making a statement at the meeting

- (a) A copy of every question/statement to be read at Full Council will normally:
 - (i) be circulated to Members at the meeting;
 - (ii) be made available to the public attending the meeting; andeither recorded verbatim in the minutes or summarised.

- (b) The Chairman will invite the person presenting the question/statement to ask it.

9.9 Discussion and referral of questions and statements

Unless the Chairman decides otherwise, no discussion will take place on matters raised by questions and statements by the public. Any Member may suggest however that the matter might be better dealt with by the relevant Committee or Sub-Committee. If the Chairman agrees, the Chairman may direct that the matter is referred to such Committee or Sub-Committee as s/he considers appropriate.

9.10 Replying to a question or statement

- (a) A reply to any question/statement shall take such form as the Member replying considers appropriate, including:
 - (i) an oral reply;
 - (ii) where the desired information is in a publication of the Full Council or other published work, a reference to that publication;
 - (iii) a referral of the matter to a Committee or Sub-Committee for consideration; or
 - (iv) where an oral reply cannot conveniently be given, a written reply to the person asking the question.
- (b) No reply is required to be given to any question/statement if the Member who is to reply considers it appropriate not to reply.

9.11 Supplementary question

Where a reply has been given to a question/statement no supplementary questions will be permitted

9.12 Inability to present a question/statement

- (a) If the person asking the question or making the statement is unable to attend the meeting, the Chairman may indicate that a written reply will be given to the question/statement or that the question/statement will not be dealt with and/or read out.
- (b) Any question/statement which cannot be dealt with during public participation time, whether because of lack of time, non-attendance of the Member who was to reply (if any) or otherwise, will be dealt with by the sending of a written reply within a reasonable timescale.
- (c) Where written reply is given to a question/statement the Proper Officer will arrange for question/statement and any reply to be copied to all Members.

10 PETITIONS AND DEPUTATIONS

10.1 Petitions

- (a) Any Members of the public may submit a petition to the Council. However the Council will not normally accept any petition that does not comply with the Petition Scheme.
- (b) Petitions which are accepted for consideration will be dealt with under the Petition Scheme.

10.2 Deputations

A deputation may be received at any ordinary meeting of Full Council (and any extraordinary meeting where identified above) provided:

- (a) written details containing:
 - (i) the intended subject matter/reason for the deputation;
 - (ii) the contact name, address and telephone number of one of the people intending to form part of the deputation (“the Deputation Leader”);
 - (iii) any statement/explanation that the Deputation Leader wants to read out about the deputation;
 - (iv) the full names of not more than four additional persons who will accompany the Deputation Leader to the meeting; and
 - (v) the date of the ordinary meeting of Full Council which it would be preferred to attend,have been received by the Proper Officer, and
- (b) the subject matter/reasons for the deputation is about a matter for which the Council is responsible or which affects the area of the Council.

10.3 Time for deputations

A period of 15 minutes will be set aside at each Full Council meeting to receive any deputations.

10.4 Number of deputations

At any one meeting of Full Council no person or organisation may present or participate in more than one deputation.

10.5 Scope of deputation

- (a) The Chairman in consultation with the Proper Officer may reject any deputation if s/he considers that it:
 - (i) is not about a matter for which the Council has a responsibility or which affects the district;

- (ii) might be construed as defamatory, frivolous or offensive;
 - (iii) is substantially the same or is about a topic which is substantially the same as a question, statement, petition or deputation that has been asked/received at a meeting of Full Council in the past six months;
 - (iv) is about a matter that has already been answered or dealt with through other mechanisms or procedures such as the Council's complaints system or the Local Government Ombudsman;
 - (v) is about confidential or exempt information;
 - (vi) is about any planning or licensing matter or similar such matters/any on-going investigation; and/or
 - (vii) is otherwise inappropriate for such a deputation to be received.
- (b) The Proper Officer will make arrangements to enable the future identification of deputations for the purposes of the provisions above.
 - (c) If the Chairman decides that a deputation cannot be received at a meeting of Full Council, then the reason why not will be sent to Deputation Leader.

10.6 Identification of who will reply to a deputation

- (a) The Chairman in consultation with the Proper Officer shall decide the most appropriate person to reply to any deputation (if any). If this differs from that identified by the Deputation Leader then this shall be identified before the deputation is received.
- (b) The Proper Officer will arrange for details of the deputation to be given to the Member who is to reply as soon as reasonably practicable following receipt of the notice.

10.7 Order of deputations

Deputations will be received in the order in which notice of them was received. The Chairman may also decide to group together similar deputations.

10.8 Identification as to where a deputation will be presented

Where the Chairman in consultation with the Proper Officer considers that a deputation is about a matter within the terms of reference of the Executive or a Committee then the Proper Officer may arrange for the deputation to be included on the next suitable agenda of the Executive or Committee.

10.9 Meeting to consider deputation

Unless the details of a deputation have been given to the Proper Officer at least 10 working days before the date of the next ordinary meeting of Full Council, a deputation will normally be considered at the ordinary meeting following

10.10 Presenting a deputation at the meeting

- (a) The Chairman will invite the Deputation Leader to read out any statement/explanation given as part of the details of the deputation or a summary of it. If the Deputation Leader who has submitted the deputation is unable to be present, the Chairman may invite another person on the deputation to read it out.
- (b) A statement/explanation read out about a deputation shall not exceed five minutes unless the Chairman expressly allows.

10.11 Discussion about a deputation

Unless the Chairman decides otherwise, no discussion will take place about any deputation presented pursuant to these procedure rules.

10.12 Replying to a deputation

Any person identified as being the person who will reply to a deputation may reply in such matter as s/he considers appropriate.

10.13 Inability for deputation to be presented

- (a) Any deputation which cannot be dealt with at a meeting of Full Council, which cannot be dealt with during public participation time, whether because of lack of time, non-attendance of the Member who was to reply (if any) or otherwise, will normally be dealt with by the sending a written reply within a reasonable timescale.
- (b) Where a written reply is given to a deputation the Proper Officer will arrange for any reply to be copied to all the Members.

11 NOT USED

MEMBERS' QUESTIONS AND REQUESTS

12 REPORTS FROM THE LEADER AND PORTFOLIO HOLDERS

12.1 Receiving reports from the Leader and Portfolio Holders

Every ordinary meeting of Full Council may normally receive a report, usually in writing with oral updates, but may simply be oral, from:

- (a) the Leader on matters affecting the Council which may be verbal or written; and
- (b) each Portfolio Holder on matters relating to their portfolios.

12.2 Presentation of report

- (a) The Proper Officer will make arrangements for a copy of any report to be included on the agenda.

- (b) Where the report has been included on the agenda, there shall not be a requirement for the report to be read out by the Leader/Portfolio Holder at the meeting.

12.3 **Asking and replying to questions**

- (a) Members may ask questions on any oral or written report given by the Leader or Portfolio Holder provided that in the opinion of the Chairman the questions relate to the report.
- (b) The total number of questions that may be asked of the Leader and Portfolio Holders and the subjects allowed are at the discretion of the Chairman, but each member will normally not be allowed to ask more than one question and one supplemental question on a report.
- (c) The Leader or Portfolio Holder may reply to any question as s/he sees fit including:
 - (i) giving an oral answer; or
 - (ii) indicating that s/he will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Members.

13 **MEMBERS' QUESTIONS**

13.1 **General**

Any Member may ask:

- (a) the Leader;
- (b) the Chairman;
- (c) a Portfolio Holder; or
- (d) the Chairman of any Committee;

a Valid Member Question at a meeting (other than an extraordinary meeting) of the Full Council on any matter about which the Council has powers or duties or which affects the district and in either case is within their area of responsibility of the person to who the question is asked.

13.2 **Valid Member Question and number of Valid Member Questions allowed**

- (a) A Valid Member Question is a single question, not broken down into multiple parts, of which written notice has been given to the Proper Officer in writing not less than five clear working days before the Full Council meeting and which in the opinion of the Chairman does not:
 - (i) relate to the personal affairs or conduct of any individual Member or Officer; and/or
 - (ii) contain defamatory, inappropriate or inflammatory language.

- (b) A question may be a Valid Member Question if written notice has not been given in accordance with paragraph (a) if in the opinion of the Chairman the question is about an urgent matter and the question was put in writing and given to the Proper Officer as soon as reasonably practicable before the meeting.
- (c) Unless the Chairman agrees, a Member may only ask two Valid Member Questions at a meeting of the Full Council.
- (d) The Proper Officer will arrange for a copy of each Valid Member Question to be given to the Member who is to reply to it as soon as reasonably practicable.

13.3 Asking and replying to a Valid Member Question

- (a) Every Valid Member Question shall be read out either by the Member who submitted it or any other Member who has been asked to read it out on behalf of the submitting Member. No Valid Member Question will take longer than two minutes to read out and the Chairman will stop the Member asking the question when that time has lapsed.
- (b) The Member who has been asked a Valid Member Question may:
 - (i) decline to answer it;
 - (ii) provide a direct oral answer;
 - (iii) indicate that s/he will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Members; or
 - (iv) where the answer is in a Council publication or other published work, give a reference to that publication.
- (c) The Member who has asked a Valid Member Question, may ask one supplementary question relating to the reply s/he has received. The Member who has been asked a supplementary question may:
 - (i) decline to answer it;
 - (ii) provide a direct oral answer;
 - (iii) indicate that s/he will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Members; or
 - (iv) where the answer is in a Council publication or other published work, give a reference to that publication.
- (d) No further supplemental questions may then be asked.

14 MEMBER REQUESTS FOR CONSIDERATION AT FULL COUNCIL

14.1 Making a Request

Any eight Members may request that an issue or subject is considered at a meeting of Full Council by way of a Valid Notice of Motion. If having made a Valid Notice of Motion, the Member identified as the Proposer may withdraw the Valid Notice of Motion at any time.

14.2 **Valid Notice of Motion and number of Valid Notices of Motion allowed**

- (a) A Valid Notice of Motion is a proposal of which written notice has been given to the Proper Officer not less than 10 clear working days before the Full Council meeting and which in the opinion of the Proper Officer in consultation with the Chairman:
 - (i) is about a topic or issue related to the responsibilities of the Full Council or which directly affects the Council or the district,
 - (ii) is clearly identifiable as a notice of motion;
 - (iii) identifies which of the Members is to be the Proposer and which is to be the Secunder; and
 - (iv) is signed by the Members submitting it (unless submitted by e-mail) and the date it was submitted to the Proper Officer; but
 - (v) does not relate to the personal affairs or conduct of any individual Member or Officer; nor
 - (vi) contain defamatory, inappropriate or inflammatory language.
- (b) A notice of motion may be a Valid Notice of Motion despite written notice not having been given in accordance with paragraph (a) if in the opinion of the Chairman the notice of motion is about an urgent matter and the notice of motion was put in writing and given to the Proper Officer as soon as reasonably practicable before the meeting.
- (c) Any Member may only propose, second or be a supporter of one Valid Notice of Motion on the agenda for any one meeting of the Full Council.

14.3 **Where Valid Notice of Motion is to be considered**

- (a) Subject to paragraph (b), a Valid Notice of Motion will normally be considered at the next ordinary meeting of Full Council. The Valid Notice of Motion may be considered at a later ordinary meeting if the Members who submitted it prefer and the Chairman of Council considers this appropriate.
- (b) Where the Proper Officer considers that a Valid Notice of Motion is about a matter within the terms of reference of a Committee or other Council body then subject to prior discussion with the Chairman of Council s/he may arrange for the Valid Notice of Motion not to be included on an agenda of a meeting of Full Council but included on the next suitable agenda of the Committee or body considered most appropriate to consider it.

- (c) Valid Notices of Motion will be listed on the relevant agenda in the order they have been received unless the Chairman considers a different order is appropriate

14.4 Presenting a Valid Notice of Motion

The Member identified in the Valid Notice of Motion as the Proposer or one of the other signatories on his/her behalf will read out Valid Notice of Motion and propose it. In the absence of the Proposer or if the Proposer declines to read it then the Valid Notice of Motion shall be dealt with as the Chairman considers appropriate.

14.5 Consideration of a notice of motion

- (a) If a Valid Notice of Motion is not at the time it is presented to a meeting of the Full Council:

- (i) moved either by the Proposer of it or by one of the other signatories on his/her behalf; and

- (ii) seconded,

then unless postponed by consent of the Chairman, it shall be treated as withdrawn and may not be moved without a new notice.

- (b) A Valid Notice of Motion shall not be debated unless it is both moved and seconded. If it is both moved and seconded then the normal rules of debate as set out below shall apply.

14.6 Valid Notice of Motion referred to a Committee

- (a) A Committee to which a Valid Notice of Motion has been referred shall report on it to the next suitable meeting of Full Council. The Committee's report shall be presented by the Committee's Chairman during that part of the Full Council meeting set aside to consider Valid Notices of Motions.

- (b) When the Committee Chairman has presented the Committee's report, the Valid Notice of Motion shall be read to the meeting. If the Valid Notice of Motion is not proposed and seconded it shall fall and shall not be considered further without the submission of a new notice of motion.

- (c) If the Committee decided that a different motion to the Valid Notice of Motion should be considered by Full Council then:

- (i) if the Valid Notice of Motion is proposed and seconded the Committee Chairman shall propose the alternative motion as an amendment. If that is proposed and seconded it shall be debated and voted upon in accordance with the rules of debate below; or

- (ii) if the Valid Notice of Motion is not proposed and seconded then the Committee Chairman shall move the alternative motion identified by the Committee. Such a motion may be moved

without notice. If seconded it shall be debated and voted upon in accordance with the rules of debate below.

- (d) Any amendment to either motion if it has been moved and seconded shall be debated and voted upon in accordance with the rules of debate below.

15 **ANNUAL BUDGET**

A Member wishing to move an amendment to any recommendation from the Executive on the annual budget must give written notice to the Proper Officer not less than two clear working days before the meeting at which the budget or review of charges are being considered setting out details of the amendment and putting forward alternative proposals to ensure a balanced budget.

16 **MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) about the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the agenda for the meeting;
- (f) to receive reports and/or propose motions/amendments relating to recommendations (whether verbal or written) of the Executive, any Joint Committee, Committee, Sub-Committee, or Officer and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now asked;
- (k) to adjourn a debate;
- (l) to extend or adjourn a meeting;
- (m) to suspend a procedure rule subject to any limitation as provided for in the Constitution;
- (n) to exclude the public and press as provided for in the Access to Information Rules;

- (o) to not hear further a Member named by the Chairman or to exclude a Member from the meeting in both cases as provided for in these procedure rules;
- (n) by the Chairman of a Committee to identify an alternative motion to that considered by the Committee in reply to a notice of motion (Member issue) referred to it pursuant to the provisions of these procedure rules above;
- (o) to provide a reply to a question/statement/deputation or petition from a member of the public to such extent as these Council Procedure Rules or any Petition Scheme allow; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

17 RULES OF DEBATE

17.1 No discussion until motion seconded

Subject to the rights relating to the proposer in the Proposer's and Seconder's speech rule below, a motion or amendment shall not be discussed unless it has been proposed and seconded.

17.2 Right to require motion in writing

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

17.3 Proposer's and Seconder's speech

- (a) The proposer of a motion or an amendment shall have the right to speak immediately after making the proposal or may opt to exercise that right at a later stage in any debate (such right to be in addition to the proposer's right to speak before a vote is taken).
- (b) The seconder of a motion or amendment shall have the right to speak:
 - (i) immediately after seconding a motion or amendment; or
 - (ii) may opt to reserve his/her speech until later in the debate.

17.4 Content and length of speeches

- (a) Speeches must be directed to the matter under discussion or to a personal explanation or point of order.
- (b) No speech may exceed three minutes without the consent of the Chairman of Council except for the Proposer and the relevant member of the Executive who may each speak for up to five minutes.

17.5 When a Member may speak again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, 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 s/he 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 s/he spoke was carried);
- (d) to exercise any right of reply;
- (e) on a point of order;
- (f) by way of personal explanation; or
- (g) with the consent of the Chairman.

17.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and add others; or
 - (iv) to add words,so long as the effect of the amendment is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) 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.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments or, if there are none, put it to the vote.

17.7 Alteration of motion

- (a) A Member 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.

- (b) A Member may alter a motion or amendments 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.
- (c) Only alterations which could be made as an amendment may be made.

17.8 Withdrawal of motion

Subject to Council Procedure Rule 13.1, a Member may withdraw a motion which s/he has moved with the consent of both the meeting and any seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the Proposer has asked permission to withdraw it unless permission is refused.

17.9 Right to reply

- (a) The Proposer of a motion has a right to reply at the end of the debate on the motion, immediately before it is voted upon.
- (b) If an amendment is 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 on it.
- (c) The Proposer of an amendment has no right of reply to the debate on his or her amendment.

17.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except any of the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to postpone consideration of the motion;
- (d) that the question be now asked;
- (e) to adjourn the debate;
- (f) to adjourn the meeting;
- (g) to exclude the public and press as provided for in the Access to Information Rules; and
- (i) to not hear further a Member named by the Chairman or to exclude a Member from the meeting.

17.11 Closure motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member:
 - (i) that the question be now asked;

- (ii) to adjourn a debate; or
 - (iii) to adjourn a meeting.
- (b) If a motion that the question be now asked is seconded and the Chairman 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 Proposer of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, s/he will put the procedural motion to the vote without giving the Proposer of the original motion the right of reply.

17.12 Point of order

A Member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these procedure rules or the law. The Member must indicate the rule or law and the way in which s/he considers it has been broken. The ruling of the Chairman on the matter will be final.

17.13 Personal explanation

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

18 RECISSION OF PREVIOUS DECISIONS AND MOTIONS

18.1 Subject to Rule 18.2, no motion to rescind a decision made within the past six months and no motion or amendment in similar terms to one that has been rejected in the past six months shall be proposed unless the notice of motion is supported by at least 24 Members. Once the motion or amendment is dealt with, a similar motion or amendment cannot be proposed for a further period of six months.

18.2 Rule 18.1 shall not apply:

- (a) in respect of a decision or motion for which the Head of Paid Service or Monitoring Officer consider there are exceptional circumstances justifying reconsideration;
- (b) in respect of any motion that may be moved without notice including for the avoidance of doubt to receive reports and/or propose motions/amendments relating to recommendations of any Committee, Sub-Committee or Officer and any resolutions following from them; or
- (c) to give effect to a revised budgetary decision of Full Council as provided for in the Budget and Policy Framework Procedure Rules.

19 **VOTING**

19.1 **Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question is asked.

19.2 **Chairman's casting vote**

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

19.3 **Ways of voting**

Unless a recorded vote is demanded, the Chairman will take the vote by show of hands, electronic voting or if there is no dissent, by the affirmation of the meeting.

19.4 **Recording number of votes**

The number of votes for and against a proposal shall be recorded if ten or more Members at the meeting demand it, immediately before or after the vote is taken. The Chairman of Council will announce the numerical result of the vote immediately the result is known.

19.5 **Recorded vote**

If ten or more Members present at the meeting demand it, before the vote is taken, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

19.6 **Recorded votes at budget meetings**

Recorded votes shall be taken on all decisions at a budget decision meeting on the budget and on the setting of council tax. The names of Members who cast a vote for or against the decision, or who abstain from voting shall be recorded in the minutes.

19.7 **Right to require individual vote to be recorded**

Where any Member requests it immediately after the vote is taken, his/her vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

19.8 **Voting on appointments**

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. The process will continue until there is a majority of votes for one person.

20 **MINUTES**

20.1 **Signing the minutes**

Subject to Rule 20.2 the Chairman will sign the minutes of the proceedings at the next meeting of Full Council. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

20.2 **No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under Paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of Paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

20.3 **Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

21 **RECORD OF ATTENDANCE**

A record of Members attending at a meeting of Full Council will be made by the Proper Officer or his/her representative attending at the meeting.

22 **EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded from a meeting either as provided for in the Access to Information Procedure Rules or in accordance with Rule 24.

23 **MEMBERS' CONDUCT**

23.1 **Chairman standing**

When the Chairman indicates that s/he wishes to speak, any Member speaking at the time must stop. The meeting must be silent.

23.3 **Member not to be heard further**

If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructing business, the Chairman may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

23.4 **Member to leave the meeting**

If in the opinion of the Chairman a Member continues to behave improperly at a meeting, the Chairman may move that either the Member should leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

23.5 General disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as s/he thinks necessary.

24 DISTURBANCE BY PUBLIC

24.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman may order his/her/their removal from the room.

24.2 Clearance of part of room

If there is a general disturbance in any part of the room open to the public, the Chairman may call for that part to be cleared.

25 APPOINTMENT OF AND DISCIPLINARY ACTION AGAINST OFFICERS

Where Full Council is to appoint any Officer or is proposing or considering any disciplinary action against an Officer then such appointment proposals or consideration shall be carried out in accordance with the Officer Employment and Dismissal Procedure Rules.

26 INTERPRETATION OF COUNCIL PROCEDURE

The ruling of the Chairman as to any proceedings of the Full Council, shall not be challenged at any meeting.

27 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

27.1 Suspension

Any of these procedure rules except any rule except Rules 19.6, 19.7, and 20.2, may be suspended by a notice of motion or without notice as provided for in Article 16 of this Constitution.

27.2 Amendment to the Council Procedure Rules

Any motion to add to, vary or revoke these procedure rules will, when proposed and seconded, stand adjourned without discussion to the next meeting of the Audit and Governance Committee unless such addition, variation or revocation is contained in a report seeking to formally alter the terms of the Constitution.

**PART 2 - MEETINGS OF COMMITTEES AND
SUB-COMMITTEES**

28 APPLICATION OF RULES TO COMMITTEES AND SUB-COMMITTEES

All of the Council Procedure Rules in Part 1 apply to meetings of Full Council. Rule 4 (but in Rule 4.1 there will be general principle that meetings will be held locally where it is practicable to do so); Rules 5–7.2 (excluding Rule 7.1), 16-27 (excluding Rule 17.5; and in Rule 19.5 a recorded vote may be requested by

three members of a Committee) (speaking only once) shall as far as practicable together with Rules * - * apply to meetings of committees and sub-committees (unless expressly specified otherwise in their terms of reference). References to “the Chairman” shall be deemed to be references to the Chairman of the relevant Committee:

29 APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES

- (a) The Full Council shall, at its Annual Meeting, appoint such Committees and Sub-Committees as it is required to appoint by or under statute or it considers expedient for the performance of its functions.
- (b) All Members and co-opted persons shall be appointed to Committees and Sub-Committees by name.

30 ELECTION OF CHAIRMAN/VICE-CHAIRMAN OF COMMITTEES/SUB-COMMITTEES

- (a) The Annual Meeting of Full Council will elect the Chairman and Vice-Chairman of each Committee to the extent as provided for in the articles of the Constitution or if no provision exists then the Annual Meeting shall make the election in any event. No Member shall at one and the same time be Chairman of more than one Committee and Vice-Chairman of more than one other Committee except with the consent of the Full Council.
- (b) Unless the Constitution otherwise provides or a meeting of Full Council decides otherwise the election of such Chairman and Vice-Chairman shall be for the period up to the first meeting of the Committee following the next Annual Meeting of Full Council.
- (c) In the absence of a Chairman and Vice-Chairman at a Committee or Sub-Committee the remaining Members present may move and elect a Member of that body to preside at that meeting.

31 SPECIAL MEETING OF A COMMITTEE/SUB-COMMITTEE

- (a) A special meeting of a Committee or Sub-Committee (as the case may be) may be called:
 - (i) by the Chairman of Council;
 - (ii) by the Chairman of that Committee or Sub-Committee (as the case may be);
 - (iii) on the requisition of a quarter of the whole number of the Committee or Sub-Committee, delivered in writing to the Proper Officer, but in no case shall less than five Members requisition a special meeting;
 - (iv) by the Head of Paid Service; and/or
 - (v) by the Monitoring Officer or Section 151 Officer where either are of the opinion that a meeting needs to be called to consider a matter that requires a decision.

- (b) The agenda of the special meeting shall set out the business to be considered, and subject to any matters of urgency approved by the Chairman no business other than that set out in the agenda shall be considered at that meeting.

32 **QUORUM OF A COMMITTEE/SUB-COMMITTEE**

The quorum of:

- (a) any Committee shall be as provided for in the Articles of the Constitution or in the absence of such provision shall be one quarter of the membership of that Committee or three Members (whichever is the greater);
- (b) any Sub-Committee shall be decided as provided for in the Articles of the Constitution or in the absence of such provision then as decided by the Sub-Committee itself at its first meeting provided that in under no circumstance should a quorum be less than three Members.

33 **ATTENDANCE OF MEMBERS AT A COMMITTEE/SUB-COMMITTEE**

- (a) Subject as provided for below a Member not appointed to a Committee or Sub-Committee may only speak at the invitation of the Chairman of that Committee or Sub-Committee.
- (b) Any Member not appointed to a Committee or Sub-Committee attending a meeting of that Committee or Sub-Committee (as the case may be) shall sit separately from the main body of the Committee or Sub-Committee.

34 **ORDER OF BUSINESS OF A COMMITTEE/SUB-COMMITTEE**

- (a) Subject to any other provisions in the Constitution or as otherwise decided by the Chairman of a relevant Committee/Sub-Committee (as the case may be) the following will normally be the order of business at a Committee/Sub-Committee:
 - (i) elect a person to preside if the Chairman and Vice-Chairman are not present;
 - (ii) receive any declarations of interest from Members;
 - (iii) approve the minutes of the last meeting;
 - (iv) receive any questions, statements, petitions, deputations or motions referred to the Committee/Sub-Committee in accordance with the provisions of these Council Procedure Rules/Petition Scheme;
 - (vi) consider any item of urgency approved by the Chairman for consideration;
 - (vii) receive any matter referred to it for consideration by Full Council;

- (viii) receive any report or recommendations from a Committee or Sub-Committee (as the case may be) and reply to matter(s) arising about it;
 - (ix) receive and reply to any report or recommendations formally submitted by the Overview and Scrutiny Committee pursuant to its legislative powers in this respect (if any); and
 - (xi) consider any other business set out in the agenda of the meeting.
- (b) The Executive Procedure Rules – Part 2 of the Constitution set out to the normal order of business of the Executive.

35 REFERRAL OF A QUESTION, STATEMENT, PETITION, DEPUTATION OR MOTION TO A COMMITTEE OR SUB-COMMITTEE

35.1 General

- (a) Where a matter is referred to a Committee or Sub-Committee under these procedure rules/Petition Scheme then that Committee or Sub-Committee shall deal with such matter in accordance with the provisions of these procedure rules/Petition Scheme as if it was being considered by an ordinary meeting of Full Council unless there are express provisions in these rules and Petition Scheme as to how a Committee or Sub-Committee (as the case may be) should deal with such a referral in which event those rules should take precedence.
- (b) For the avoidance of doubt nothing in this Rule shall prevent a Committee or Sub-Committee suspending any rule in accordance with the provisions of the procedure rules and Article 16 – Suspension, Interpretation and Publication of the Constitution.

35.2 Attending and speaking about a referred matter

Where a matter to which Rule 35 applies is referred to a Committee or Sub-Committee of the Council, then if the matter was submitted:

- (a) by a member of the public or an organisation then any such person/representative of the organisation shall be given the same right to speak as would have been made available as if the matter was being presented to an ordinary meeting of Full Council; or
- (b) by a Member, then that Member may attend that meeting and shall be given the same right to speak as would have been made available as if the matter was being presented to an ordinary meeting of Full Council, provided that the Member shall not be entitled:
 - (i) to move any motion relating to the matter, but may instead ask any Member of the Committee or Sub-Committee to move it, in which case any such Member may at his/her absolute discretion choose to move it or not; or
 - (ii) to vote on any motion at that Committee or Sub-Committee,

unless in either case the Member is also an appointed Member of the Committee or Sub-Committee to which the referral has been made.

36 SUBMISSION OF QUESTIONS AT COMMITTEES/SUB-COMMITTEES

36.1 Submitting a question

Subject as provided for in this Rule 35 a Member appointed to a Committee or Sub-Committee (including quasi-judicial and joint Committees) may ask the Chairman of that Committee or Sub-Committee any question relating to the business of the Committee or Sub-Committee ("Valid Committee Question")

36.2 Valid Committee Question and number of Valid Committee Questions allowed

- (a) A Valid Committee Question is a single question related to the business of the Committee or Sub-Committee, not broken down into multiple parts, of which written notice has been given to the Proper Officer in writing not less than five clear working days before the Committee or Sub-Committee meeting and which in the opinion of the Proper Officer does not:
 - (i) relate to the personal affairs or conduct of any individual Member or Officer; and/or
 - (ii) contain defamatory, inappropriate or inflammatory language.
- (b) A question may be a Valid Committee Question if written notice has not been given in accordance with paragraph (a) if in the Proper Officer's opinion the question is about an urgent matter and the question was put in writing and given to the Proper Officer as soon as reasonably practicable before the meeting.
- (c) Unless the Chairman agrees, a Member may only ask two Valid Committee Questions at a meeting of the Committee or Sub-Committee.
- (d) The Proper Officer will arrange for a copy of each Valid Committee Question to be given to the Chairman as soon as reasonably practicable.

36.3 Asking and replying to a Valid Committee Question

- (a) Every Valid Committee Question shall be read out either by the Member who submitted it or any other Member who has been asked to read it out on behalf of the submitting Member. No Valid Committee Question will take longer than two minutes to read out and the Chairman will stop the Member asking the question when that time has lapsed.
- (b) The Chairman may:
 - (i) decline to answer it;
 - (ii) provide a direct oral answer;

- (iii) indicate that s/he will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Members; or
 - (iv) where the answer is in a Council publication or other published work, give a reference to that publication.
- (c) The Member who has asked a Valid Member Question, may ask one supplementary question relating to the reply s/he has received. The Chairman may:
 - (i) decline to answer it;
 - (ii) provide a direct oral answer;
 - (iii) indicate that s/he will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Members; or
 - (iv) where the answer is in a Council publication or other published work, give a reference to that publication.
- (d) No further supplemental questions may then be asked.