

COUNCIL PROCEDURE RULES - THE BUSINESS OF THE COUNCIL, ITS CABINET AND COMMITTEES

RULES RELATING TO COUNCIL

I. MEETINGS OF THE COUNCIL

I.1 Annual Meeting of the Council

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 May. In the year where there is an ordinary election of councillors, the annual meeting will appoint the Leader.

The annual meeting will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor for the ensuing year;
- (iii) appoint the Deputy Mayor for the ensuing year;
- (iv) receive any declarations of interest;
- (v) approve the minutes of the last meeting (see Council Procedure Rule 3);
- (vi) review the political balance of appropriate committees (if not already undertaken);
- (vii) appoint the members of the Scrutiny Management Board, Overview Scrutiny Group and committees, the Chair and Vice-chair of the Scrutiny Management Board, Overview Scrutiny Group, Policy Scrutiny Group, Performance Panel and the Chairs and Vice-chairs of committees (except the Audit Committee and the Standards Committee) for the ensuing year (if not already agreed);
- (viii) receive any announcements from the Mayor and/or the head of the paid service;
- (ix) approve a programme of ordinary meetings of the Council for the ensuing year (if not already agreed);
- (ix) consider any business set out in the notice convening the meeting.

The annual meeting will not consider any presentations, other Cabinet or committee business, questions on notice, notices of motion or petitions unless specifically authorised by the Chief Executive.

I.2 Extraordinary meetings

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

- (i) the Council by resolution;
- (ii) the Mayor;
- (iii) the monitoring officer; or
- (iv) any five members of the Council if they have signed a requisition presented to the Mayor and he or she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

No business may be conducted at an extraordinary meeting other than that specified in the resolution, request or requisition which led to it being called.

1.3 Ordinary meetings

Ordinary meetings will take place in accordance with the programme of meetings agreed at the Council's Annual Meeting and follow the order of business set out in Council Procedure Rule 2. The Chief Executive in consultation with the Mayor may if necessary amend the programme during the year.

2. ORDER OF BUSINESS

- (i) Except where the Council varies the order of business under part (ii) of this Rule, the order of business at every ordinary meeting of the Council will be as follows:
 - (a) to elect a person to preside if the Mayor and Deputy Mayor are not present;
 - (b) to receive declarations of interest;
 - (c) to approve the minutes of the last meeting (see Council Procedure Rule 3);
 - (d) to deal with any business from a previous meeting resulting from an adjournment;
 - (e) to receive presentations, to be limited to one per Council meeting, from people invited by the Mayor, in consultation with the head of paid service, to inform the Council of significant recent events or achievements in the Borough;
 - (f) to receive announcements from the Mayor, the Leader (prepared in the form of a written report on significant, recent matters affecting the Council or the Borough) or the head of paid service;
 - (f) to consider petitions (see Council Procedure Rule 4);
 - (g) to receive questions on notice (see Council Procedure Rule 5);
 - (h) to consider:
 - all matters reserved to Council by Article 4 of the Constitution (see Council Procedure Rule 6.1);
 - any references to Council following the call-in of a decision by the Scrutiny Management Board under Overview and Scrutiny Procedure Rule 13 (see Council Procedure Rule 6.2);

- those minutes of the Cabinet and committees where the decisions are not reserved to Council, or otherwise referred to Council, subject to notice being given to the Head of Strategic Support by five members of the Council by noon on the fifth working day after the publication of the minutes concerned that they wish the minutes specified to be considered by Council (see Council Procedure Rule 6.3). No referral of those minutes which relate to a matter which will be the subject of a decision reserved to Council or otherwise referred to Council at the same meeting will be allowed under this rule;
 - those urgent executive decisions taken by the Cabinet or key decisions taken by an officer which were exempted from the call-in procedure under Overview and Scrutiny Procedure Rule 14 (see Council Procedure Rule 6.4).
- (i) to consider motions on notice (see Council Procedure Rule 15);
 - (j) to consider any other business specified in the summons to the meeting;
 - (k) to consider any business containing exempt or confidential information as described in Access to Information Procedure Rule 10. Any such items of business will be considered in the order set out above after the press and public have been excluded.
- (ii) With the Council's consent, the Mayor may vary the order of business.
 - (iii) The Mayor may allow discussions on business even though it has not been specified in the summons if he/she is of the opinion that by reason of special circumstances it should be considered as a matter of urgency. The reason shall be specified in the minutes of the meeting.

3. MINUTES OF THE COUNCIL

3.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor 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.

3.2 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.

3.3 Form of minutes

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

4. PETITIONS

A petition submitted in accordance with the Council's Petition Scheme that contains more than 3000 signatures will be debated at an ordinary meeting of the Council (unless it is a petition asking for a senior Council officer to give evidence at a public meeting). The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be debated for a maximum of 30 minutes. The relevant Cabinet Lead Member will lead the debate which will follow the Rules of Debate set out in Council Procedure Rule 9.

An officer report will accompany the petition and will outline the options open to the Council. If the Council has the power to take the action the petition requests it may choose to do so. If it does not have that power, it may refer the matter to the Cabinet or appropriate Committee for decision.

5. QUESTIONS ON NOTICE

- (i) Any member of the Council may ask the Leader or the Chair of a committee a question relating to the business of the Council or to the Borough generally, so long as notice in writing setting out the question has been given to the Head of Strategic Support no later than noon on the sixth working day¹ before the meeting concerned. In the case of a question of the Leader, the Leader may ask the relevant Cabinet Lead Member to reply.
- (ii) The member to whom the question was addressed will reply to any questions under Rule 5(i). The answers to questions submitted under this Rule will be included in the minutes of the meeting and a copy provided to the questioner at the meeting.
- (iii) A member asking a question under Rule 5(i) may ask one supplementary question of the member to whom the question was asked and/or make a statement. Any supplementary question must arise directly out of the original question or reply. The member who replies to the question(s) may then answer the supplementary question and respond to the statement. The answer to the supplementary question and response to the statement may take the form of:
 - (a) a direct oral answer;

¹ In these rules the term clear day excludes the day of the meeting and the day notice is given.

- (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 orally, a written answer circulated later to the questioner.
- (iv) Without the Council's consent, a member may not speak for longer than a total of three minutes in asking a question, asking a supplementary question or making a statement. The limit of three minutes applies to the cumulative time spent speaking on all of these elements.
- (v) A member may give notice of more than one question for a Council meeting. However, if the questions asked by a member are linked they must be asked together and will be responded to together. Linked questions are those which deal with the same general subject, decision or event irrespective of whether the member gave notice of them at different times.
- (vi) Without the Council's consent, a member may not speak for longer than a total of three minutes in replying to a question or a supplementary question or responding to a statement. The limit of three minutes applies to the cumulative time spent speaking on all of these elements for any single question.

6. CONSIDERATION OF CABINET AND COMMITTEE BUSINESS

6.1 Business reserved to Council

The Leader or any other member of the Cabinet, or the Chair or any other member of any committee will move the business reserved to Council referred from the Cabinet or committee, as appropriate. In doing so, where additional information has become available which could have affected a decision, the mover may move (without comment or debate) the reference back of a minute or report for further consideration. The debate on the motion will follow the Rules of Debate set out in Council Procedure Rule 9.

6.2 Reference to Council following the call-in of a decision by the Scrutiny Management Board

The Chair or any member of the Scrutiny Management Board will move that any matter referred to Council following the call-in of a decision by the Scrutiny Management Board be either accepted by the Council, with or without comment, or referred back to the Cabinet or other decision-making body or person together with the Council's views. The debate on the motion will follow the Rules of Debate set out in Council Procedure Rule 9.

6.3 Minutes of the Cabinet and Committees where the decisions are not reserved to Council

Where notice has been given to the Head of Strategic Support by five members of the Council within five working days of the publication of the minutes of the Cabinet or a committee that they wish the minutes specified to be considered by Council, the consideration will follow the procedure for questions and statements without notice set out in Council Procedure Rule 8. No other debate will be allowed.

In order for minutes to be considered at a particular Council meeting, notice must be given to the Head of Strategic Support no later than noon on the sixth working day before the meeting. Minutes will be considered at the first meeting for which appropriate notice has been given.

6.4 Urgent Cabinet decisions and key decisions taken by officers exempted from call-in

Where an urgent decision is taken by the Cabinet or an urgent key decision taken by an officer which is exempted from call-in in accordance with Overview and Scrutiny Procedure Rule 14, the decision will be reported to the next available Council meeting. The Council's consideration of the matter will follow the procedure for questions and statements without notice set out in Council Procedure Rule 8. No other debate will be allowed.

7. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a chair of the meeting at which the motion is moved;
- (b) to question the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to or back to an appropriate body or individual;
- (e) to appoint the Leader, Scrutiny Management Board, Overview Scrutiny Group, committees or Chairs and Vice-chairs of the Scrutiny Management Board, Overview Scrutiny Group, Policy Scrutiny Group, Performance Panel or committees (except the Audit Committee and the Standards Committee) arising from an item on the summons for the meeting;
- (f) to adopt recommendations of the Cabinet or committees 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 motion be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;

- (m) to suspend a particular council procedure rule (see Rule 25 - as to the conditions under which this can be moved);
- (n) to exclude the public and press in accordance with the Access to Information Procedure Rules;
- (o) to admit the public and press in accordance with the Access to Information Procedure Rules;
- (p) to not hear further a member named or to exclude a member from the meeting under Rule 22;
- (q) to give the consent of the Council where its consent is required by this Constitution.

8. QUESTIONS AND STATEMENTS WITHOUT NOTICE

- (i) A member may, without notice, ask the Leader or the Chair of a committee any question about any matter being considered by the Council so long as the question is asked when the matter is being considered by the Council. In the case of a question of the Leader, the Leader may ask the relevant Cabinet Lead Member to reply.
- (ii) An answer to a question under Rule 8(i) may take the form of:
 - (a) a direct oral answer;
 - (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 orally, a written answer circulated later to the questioner.
- (iii) A member asking a question under Rule 8(i) may ask one supplementary question of the member to whom the question was asked and/or make a statement. Any supplementary question must arise directly out of the original question or reply. The member who replies to the question(s) may then answer the supplementary question and respond to the statement. The answer to the supplementary question and response to the statement may take the form set out in Rule 8(ii).
- (v) Without the Council's consent, a member may not speak for longer than a total of three minutes in asking a question, asking a supplementary question and/or making a statement. The limit of three minutes applies to the cumulative time spent speaking on all of these elements.
- (vi) Without the Council's consent, a member may not speak for longer than a total of three minutes in replying to a question or a supplementary question or responding to a statement.
- (vii) Alternatively, a member may, without notice, make a statement about any matter being considered by the Council so long as the statement is made when the matter is being considered by the Council. Without the Council's consent, a member may not speak for longer than three minutes in making a statement.
- (viii) The Leader or the Chair of the relevant committee may respond to the statement. In the case of a response by the Leader, the Leader may ask the relevant Cabinet Lead Member to respond. Without the

Council's consent, a member may not speak for longer than three minutes in responding to a statement.

9. RULES OF DEBATE

The following rules apply when the Council debates motions in the form of business reserved to Council and motions on notice to remove members of the Cabinet, the Scrutiny Management Board, Overview Scrutiny Group or committees or the Chair and Vice-chair of the Policy Scrutiny Group or Performance Panel.

Moving and seconding

- (i) No speeches may be made after the proposer has moved a proposal and explained the purpose of it until the motion has been seconded.
- (ii) Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him or her before it is discussed.
- (iii) When seconding a motion, a member may reserve his or her speech until later in the debate. When seconding an amendment, a member may reserve his or her speech until immediately before that of the person who has the final right of reply on the amendment.
- (iv)
 - (a) When a motion is under debate, no other motion may be moved except the following procedural motions which may be moved without comment or debate by the mover of the motion under debate in the case of (i) and any member in the case of (ii) to (viii):
 - (i) to withdraw a motion;
 - (ii) to amend a motion;
 - (iii) to proceed to the next business;
 - (iv) that the question be now put;
 - (v) to adjourn a debate;
 - (vi) to adjourn a meeting;
 - (vii) to exclude the public and press in accordance with the Access to Information Procedure Rules;
 - (viii) to not hear further a member named or to exclude a member from the meeting under Rule 21.
 - (b) A member may withdraw a motion or amendment which he or she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion or amendment after the proposer has asked permission to withdraw it unless permission is refused.
 - (c) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
 - (d) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will put the procedural motion to the vote. If it is carried

he or she will give the mover of the original motion a right of reply before putting his or her motion to the vote.

- (e) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he or she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

Amendments

- (v) (a) An amendment to a motion must be relevant to the motion and must not result in a separate substantive decision, and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration; or
 - (ii) to leave out words and/or insert or add others; as long as the effect of this is not to negate the motion.
 - (b) The Mayor may require the amendment to be written down and handed to him or her before it is discussed.
 - (c) Only one amendment may be moved, seconded and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
 - (d) If an amendment is not carried, other amendments to the original motion may be moved.
 - (e) 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.
 - (f) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are no further amendments or speeches, put it to the vote.
- (vi) Where a member speaks on a further amendment concerning a matter which has been the subject of an earlier amendment, he or she may not refer to matters already raised in the debate on the earlier amendment.

Speaking rights

- (vii) Without the Council's consent, a member may not speak for longer than three minutes in any single speech. However a member proposing an amendment, a member proposing the budget motion, a group leader responding to the budget motion and a member exercising the right of reply under Rule 9(ix) may speak for five minutes in exercising this right.
- (viii) A member may, at any time, seek clarification on matters of fact relevant to the debate. Such requests for clarification should be limited to matters which will assist the debate. Requests and responses to requests for clarification should be kept as brief as possible.
- (ix) (a) The mover of a motion has a right of reply at the end of the debate on the motion, immediately before it is put to the vote.

- (b) If an amendment is moved, the mover 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 mover of the amendment has no right of reply to the debate on his or her amendment.
- (x) When a member speaks at a Council Meeting he or she must stand and address the meeting through the Mayor. If more than one member stands, the Mayor will ask one to speak and the other(s) must sit. Other members must remain seated while a member is speaking unless they wish to make a point of order or a point of personal explanation.
- (xi) When the Mayor stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.
- (xii) Speeches must be directed to the motion under discussion or to a personal explanation or point of order.
- (xiii) A member who has spoken on a motion may not speak again while it is the subject of debate, except:
 - (a) to speak once on any amendment moved by another member;
 - (b) to move a further amendment if the motion has been amended since he or she last spoke;
 - (c) if his or her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he or she spoke was carried);
 - (d) in exercise of a right of reply;
 - (e) to seek clarification on matters of fact;
 - (f) to provide clarification sought under (e) above;
 - (g) on a point of order;
 - (h) by way of personal explanation;
 - (i) to move "that the motion be now put".
- (xiv) A member may raise a point of order at any time. The Mayor will hear him or her immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he or she considers it has been broken. The ruling of the Mayor on the matter will be final.
- (xv) A member may make a personal explanation at any time. A personal explanation may only relate to some material part of a speech in the debate which may have been misunderstood by another member or may be inaccurate in representing something said or done by a member at the meeting or elsewhere. The ruling of the Mayor on the admissibility of a personal explanation will be final.
- (xvi) The Mayor may authorise the head of paid service, the chief financial officer and the monitoring officer to address the Council (in performance of those roles) where the business of the Council makes this necessary or desirable.

10. ALTERATION OF MOTION AND AMENDMENT

- (i) A member may alter a motion of which he or she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (ii) A member may alter a motion or amendment which he or she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (iii) Only alterations which could be made as an amendment may be made.

11. PREVIOUS DECISIONS AND MOTIONS

- (i) A motion to rescind a decision made at a meeting of Council within the past six months cannot be moved unless it is in the form of a recommendation from the Cabinet, a committee exercising delegated powers or a scrutiny committee reporting to Council in accordance with Overview and Scrutiny Procedure Rule 8 or a notice of the motion has been received in accordance with Rule 15 and the notice is signed by at least one third of the members of the Council.
- (ii) A motion in similar terms to one that has been rejected at a meeting of the Council in the past six months cannot be moved unless a notice of the motion has been received in accordance with Rule 15 and the notice is signed by at least one third of the members of the Council.
- (iii) Once the motion is dealt with, no one can propose a similar motion or amendment for six months except in accordance with (i) and (ii) above.
- (iv) No amendment which would have the effect of rescinding a decision made at a meeting of the Council within the past six months or making a decision which had been rejected at a meeting of the Council in the past six months may be moved.

12. MOTIONS ON EXPENDITURE

Any motion (other than a recommendation or report of the Cabinet) which, if carried, will either:

- (i) materially increase the net expenditure on any service; or
- (ii) involve capital expenditure;

will, when proposed and seconded, be adjourned without discussion for consideration by the Cabinet, and, where necessary, referral back to Council for decision.

This Rule will not prevent an amendment, having the same effect, from being debated but if the amendment is carried, it will be either:

- (i) dealt with in accordance with Budget and Policy Framework Procedure Rule 2; or
- (ii) if the Budget and Policy Framework Procedure Rules do not apply, adjourned until the next Council meeting to enable the Cabinet to consider and report on it.

13. VOTING

- (i) 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 put.
- (ii) If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.
- (iii) Unless a recorded vote is demanded under Rule 13(iv), the Mayor will take the vote by show of hands, or, if there is no dissent, by the affirmation of the meeting.
- (iv) If two members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and recorded in the minutes.
- (v) Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or amendment or abstained from voting.
- (vi) 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.

14. POWER TO RESOLVE INTO COMMITTEE

- (i) The Council may resolve itself into a committee of the whole Council, to consider any item of business before it. The resolution will specify the recommendation to the committee of the whole Council. The committee of the whole Council will be chaired by the Deputy Mayor. In the absence of the Deputy Mayor the committee of the whole Council will be chaired by another member of the Council, other than the Mayor, elected by the committee for that purpose.
- (ii) The proposition before the committee of the whole Council will be the recommendation to the committee which may be amended. Each amendment will be debated and voted on separately. Once all amendments have been debated and voted on the committee of the whole Council will vote on the amended proposition and rise. If there are equal numbers of votes for and against, the person chairing the committee of the whole will have a second or casting vote. The Mayor may cast a single vote on any proposition or amendment before the committee of the whole Council.
- (iii) After the committee of the whole Council has risen, the Deputy Mayor, or other person elected to Chair the committee, will report the recommendations of the committee which will then immediately be put to a vote.

15. MOTIONS ON NOTICE

15.1 Notice

Except for motions which can be moved without notice under Rule 7, written notice of every motion, signed by a member or members, must be received by the Head of Strategic Support no later than noon on the sixth working day before the date of the meeting.

15.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving the notice states, in writing, that he or she proposes to move it at a later meeting or withdraw it.

15.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the Borough.

15.4 Reference

Except in the case of motions under Rule 15.5 (motions to remove) or Rule 15.6 (motions to be determined by Council), a motion under this rule may be introduced by the proposer and, when seconded, may be responded to by the Leader (or Cabinet Lead Member) or the Chair of a committee (as appropriate). No further debate or amendment will be allowed. With the approval of Council, the motion will stand referred in the form submitted or as amended in accordance with Rule 10(i) and accompanied by a written report from the appropriate officer(s) setting out key legal, financial, service and corporate implications to the Cabinet or a committee (as appropriate) for consideration and, where appropriate, referral back to the Council for decision. Where there is no appropriate body for the matter to be referred to and the procedure in Rule 15.6 is not used, the report from the appropriate officer(s) setting out key legal, financial, service and corporate implications will be submitted to the next appropriate meeting of the Council.

Without the Council's consent, a member entitled to speak on a motion may not speak for longer than three minutes on that motion.

The member or one of the members submitting a motion under Rule 15.1 above, may address the Cabinet or committee to which the motion has been referred, but may not vote on it, or take part in any debate, unless a member of the Cabinet or the committee concerned, in accordance with Rule 35.

15.5 Motions to remove

Motions under this rule will be debated in accordance with the Rules of Debate in Council Procedure Rule 9.

A motion on notice to remove the Leader will, if agreed by a majority of the members of the Council present, have the effect of a resolution to remove the Leader as a whole as described in Article 7.

A motion on notice to remove the Chair or Vice-chair of the Scrutiny Management Board, Overview Scrutiny Group, Policy Scrutiny Group, Performance Panel or a committee (except the Standards Committee and the Audit Committee) or the member of the Scrutiny Management Board, Overview Scrutiny Group or a committee will, if agreed by a majority of the members of the Council present, have the effect of removing the Chair or Vice-chair from that position or the member from that committee.

The notice of a motion under this rule must be signed by at least one third of the members of the Council.

15.6 Motions to be determined by Council

Where a motion relates to a Council function that is not delegated to officers or a committee and does not require input from officers, it might occasionally be appropriate for it to be determined by the Council. In such circumstances, if the Council agrees that it is convenient and conducive to the despatch of business, the motion may be debated in accordance with the rules of debate and dealt with at the meeting at which it is brought forward and not referred to the Cabinet or a committee. However, this does not apply to motions on executive functions which must be in the form of recommendations to the Cabinet. Motions resulting in the Council incurring expenditure must be dealt with in accordance with Council Procedure Rule 12.

16. RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

17. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Mayor.

18. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

19. NOTICE OF AND SUMMONS TO MEETINGS

The Chief Executive will give notice to the public of the date, time and place of any meeting in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution. In addition, at least three clear working days before a meeting, the Chief Executive will send a summons signed by him or her by post to every member of the Council or leave it at his or her usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, as determined by the Chief Executive, and will be accompanied by such reports as are available.

20. QUORUM

The quorum of a meeting will be one quarter of the whole number of members. If there is no quorum 30 minutes after the appointed time for any meeting, the meeting will not take place. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

21. MEMBERS' CONDUCT

- (i) If a member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the member be not heard further. If seconded, the motion will be voted on without discussion.
- (ii) If the member continues to behave improperly after such a motion is carried, the Mayor may move that either the member leaves the meeting or that the meeting is adjourned for a specified period as appropriate. If seconded, the motion will be voted on without discussion.
- (iii) If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he or she thinks necessary.

22. DISTURBANCE BY PUBLIC

- (i) If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If the interruption continues, the Mayor will order the person's removal from the meeting room and if necessary may ask for the meeting to be adjourned.

- (ii) If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part of the room to be cleared and if necessary may ask for the meeting to be adjourned.

23. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 22 (Disturbance by Public).

24. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

24.1 Suspension

All of these Council Procedure Rules (other than Rules 3.2 and 13(v)) may be suspended in whole or in part by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting and to the extent permitted by law.

24.2 Amendment

Any motion, other than as set out in Rule 24.1, to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

RULES RELATING TO THE CABINET, COMMITTEES AND SCRUTINY BODIES²

25. APPOINTMENT COMMITTEES AND SCRUTINY BODIES

The Council will annually appoint the members and reserve members (where appropriate) of the committees set out in Articles 6, 7, 8 and 9 except where non-councillor members have been appointed to terms of office of more than one year.

The Head of Strategic Support will make appointments to Policy Scrutiny Group, Performance Panel and other scrutiny panels in accordance with expressions of interest received from councillors who are not members of the Cabinet or Cabinet Support Members.

If a member or reserve member of a scrutiny body or committee wishes to resign that appointment they should do so by giving notice to the Head of Strategic Support.

Where there is a vacancy on a committee which must by virtue of the Housing and Local Government Act 1989 and The Local Government (Committees and Political Groups) Regulations 1990 be allocated by a political group the vacancy may be filled on an interim basis by the Head of Strategic Support if notice is received from the leader of the relevant political group of a nomination. The decision will be confirmed at the next available ordinary meeting of the Council.

26. APPOINTMENT OF CHAIRS AND VICE-CHAIRS

The Council will annually appoint a Chair and a Vice-chair of the scrutiny bodies set out in Articles 6 (Scrutiny Management Board, Overview Scrutiny Group, Policy Scrutiny Group and Performance Panel) and the Chairs and Vice-chairs of committees (except the Audit Committee and the Standards Committee) set out in Articles 7, 8 and 9. In the absence of those members at a meeting, a chair will be appointed by the committee or scrutiny body for the meeting. That person may exercise any power or duty of the Leader or Chair at that meeting. If a Chair or Vice-chair wishes to resign that appointment they should do so by giving notice to the Head of Strategic Support or, in the case of the Standards Committee, to the Monitoring Officer.

² Except where indicated, for the purposes of these Procedure Rules, the scrutiny bodies are the Scrutiny Management Board, Overview Scrutiny Group, Policy Scrutiny Group and Performance Panel.

27. MEETINGS

The Cabinet, scrutiny bodies and committees will have power to fix the date and time of their meetings; these meetings will be called by the Chief Executive.

28. SPECIAL MEETINGS

- (i) The Leader may require the Chief Executive to call a special meeting of the Cabinet at any time. A special meeting must also be called when at least three members of the Cabinet give notice in writing to the Head of Strategic Support that a meeting is required.
- (ii) The Chair of a scrutiny body or a committee may require the Chief Executive to call a special meeting of that body at any time. A special meeting must also be called when at least three members of the scrutiny body or committee give notice in writing to the Head of Strategic Support that a meeting is required.

29. SUBMISSION OF BUSINESS

- (i) The agenda for all meetings of the Cabinet, scrutiny bodies and committees will be determined by the Chief Executive, in consultation with the Leader or Chair (as appropriate). This Rule will not preclude consideration of an item of urgent business, where the Leader or Chair is of the opinion that there are special circumstances (specified in the minutes) for treating it in this way.
- (ii) Any member of the Council may ask the Leader or the Chair of a scrutiny body or a committee a question about the business of that body, so long as notice in writing setting out the question has been given to the Head of Strategic Support no later than noon on the sixth working day before the meeting concerned. The member concerned may attend the meeting at which the question is asked and may (having received an answer) put one supplementary question which must arise directly out of the original question or reply and/or make a statement. The Leader or the Chair will reply to the question(s) and respond to the statement and may allow other members to comment and officers to advise but cannot allow a motion to be put. Questions asked under this Rule are not subject to any right of call-in under Overview and Scrutiny Procedure Rules. The answers to questions submitted under this rule will be included in the minutes of the meeting and a copy provided to the questioner at the meeting.

30. QUORUM

- (i) The quorum of the Cabinet will be as set out in Article 7.02.
- (ii) The quorum for meetings of Scrutiny Committees shall be five for the Scrutiny Management Board and four for the Overview Scrutiny Group.

- (iii) The quorum for other scrutiny bodies shall be the smallest number of members required to form a majority of the members of that body.
- (iv) Six members will be the quorum of the Standards Committee, one of whom will be an independent member of the Committee and one of whom will be a parish member of the Committee if the matter relates to the town/parish councils in the Borough.
- (v) Nine members will be the quorum of the Plans Committee.
- (vi) Four members will be the quorum of the Personnel Committee.
- (vii) Eight members will be the quorum of the Licensing Committee.
- (viii) Four members will be the quorum of the Audit Committee.
- (ix) Three members will be the quorum of the Appeals and Reviews Committee
- (x) If there is no quorum 30 minutes after the appointed time for any meeting of the Cabinet, a scrutiny body or any committee the meeting will not take place.

31. RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

32. MINUTES OF THE CABINET, SCRUTINY BODIES AND COMMITTEES

The Leader or Chair (as appropriate) will sign the minutes of the proceedings at the next suitable meeting. The Leader or Chair (as appropriate) 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.

33. VOTING

All matters considered by the Cabinet, a scrutiny body or a committee will be determined by show of hands by a majority of the members of the body concerned, present and voting or, if there is no dissent, by the affirmation of the meeting. If there are equal numbers of votes for and against, the Leader or Chair will have a second or casting vote. Where, immediately after a vote is taken, any member requires it, there must be recorded in the minutes whether that person voted for or against the question or whether he or she abstained from voting.

34. AVAILABILITY OF AGENDAS, MINUTES AND REPORTS

- (i) All resolutions, minutes and reports of the various meetings to which these Rules apply will be contained in books signed by the Cabinet Leader or the appropriate chair; these books may be inspected by any member at the office of the Head of Strategic Support;
- (ii) All agendas together with such reports as are available will be made available to each member of the Council at least five clear working days before the meeting;

- (iii) Notice of the date, time and place, agendas, reports and minutes of the various meetings to which these rules apply will be made available to the public in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution.

35. ATTENDANCE AT MEETINGS

- (i) Subject to (ii) to (vi) (below) and to the right of a Chair or Vice-chair of a scrutiny committee or another member of the Scrutiny Management Board under Rule 8(d) of the Overview and Scrutiny Procedure Rules to address the Cabinet or a committee in presenting the scrutiny committee's report, the right of the Chair or Vice-chair of the Scrutiny Management Board under Rule 13(d) of the Overview and Scrutiny Procedure Rules to address the Cabinet when it reconsiders a decision following a call-in and the right of the Chair or Vice-chair of the Audit Committee to address the Cabinet or a committee when referring matters of concern as set out in items 1 and 21 of Part 3.4(ii)(f) of the Constitution, no member of the Council may attend a meeting of the Cabinet, a scrutiny body or a committee, except as an observer, unless he or she has been appointed to one of these bodies or is invited to attend by resolution of the Council or the body in question;
- (ii) The member of the Council, or one of the members, who has submitted notice of a motion under Rule 15 may address the Cabinet, a scrutiny body or the committee concerned before the motion is considered. The time available to do so is limited to five minutes;
- (iii) a member of the Council who has given notice of a question under Rule 29(ii), may attend a meeting of the Cabinet, the scrutiny body or the committee concerned for the purpose of asking a question in accordance with that rule;
- (iv) a member of the Council who has given notice under Rule 42 (Delegated Planning Applications) may attend and address the relevant meeting of the Plans Committee for a period of no longer than five minutes;
- (v) a member of the Council who has been nominated from among those members calling-in an executive decision in accordance with Overview and Scrutiny Procedure Rule 13 may attend and address the meeting of the Scrutiny Management Board considering the call-in;
- (vi) any member entitled to be a reserve member of a scrutiny body or a committee may, on the request of a member of the body concerned, attend a meeting of that body in the place of that member providing notice is given to the Head of Strategic Support prior to the commencement of the meeting. A reserve member will, before participating in the meeting in question, comply with Rule 31 (Record of Attendance) and indicate in the attendance record the name of the member for whom he or she is acting as reserve. If the member whose place has been taken by a reserve member subsequently attends the relevant meeting after its start, he or she may only do so as an observer. No reserve member may attend a meeting in place of

a member of a committee if that member has already attended the meeting in question, unless that attendance is as an observer.

Any member of the Council attending a meeting as an observer will be entitled to remain even though the public and the press have been excluded because items involve the likely disclosure of exempt information under Schedule 12A to the Local Government Act 1972 in accordance with Access to Information Procedure Rule 21.

36. MEMBERS' CONDUCT

- (i) If a member persistently disregards the ruling of the Leader or Chair (as appropriate) by behaving improperly or offensively or deliberately obstructs business, the Leader or Chair (as appropriate) may move that the member be not heard further. If seconded, the motion will be voted on without discussion.
- (ii) If the member continues to behave improperly after such a motion is carried, the Leader or Chair (as appropriate) may move that either the member leaves the meeting or that the meeting is adjourned for a specified period as appropriate. If seconded, the motion will be voted on without discussion.
- (iii) If there is a general disturbance making orderly business impossible, the Leader or Chair (as appropriate) may adjourn the meeting for as long as he or she thinks necessary.

37. DISTURBANCE BY PUBLIC

- (i) If a member of the public interrupts proceedings, the Leader or Chair (as appropriate) will warn the person concerned. If the interruption continues, the Leader or Chair (as appropriate) will order the person's removal from the meeting room and if necessary may ask for the meeting to be adjourned.
- (ii) If there is a general disturbance in any part of the meeting room open to the public, the Leader or Chair (as appropriate) may call for that part of the room to be cleared and if necessary may ask for the meeting to be adjourned.

38. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 37 (Disturbance by Public).

39. PUBLIC QUESTIONS

- (i) Except as provided in part (ii) of this Rule, a local government elector or council tax payer of the Borough may ask the Leader or the Chair of a scrutiny body or a committee a question relating to the business of that body, if notice in writing setting out the question has been given to the Head of Strategic Support no later than noon on the

sixth working day before the meeting at which the question is to be asked.

- (ii) Any questions to be asked under part (i) of this Rule will not:
 - (i) relate to an application for any permission, licence or other authority from the Borough Council;
 - (ii) be allowed where any right of appeal to the Council or other authority is available;
 - (iii) relate to any matter directly relating to an employee of the Council;
 - (iv) relate to any matter which constitutes exempt or confidential information under Schedule 12A of the Local Government Act 1972;
 - (v) be allowed if, in the opinion of the monitoring officer, they are illegal or improper.
- (iii) The person concerned may attend the meeting at which the question is asked and may (having received an answer) put one supplementary question which must arise directly out of the original question or reply and/or make a statement. The Leader or the Chair will reply to the question(s) and respond to the statement and may allow other members to comment and officers to advise but cannot allow a motion to be put. Questions asked under this Rule are not subject to any right of call-in under the Overview and Scrutiny Procedure Rules. The answers to questions submitted under this rule will be included in the minutes of the meeting and a copy provided to the questioner at the meeting.

40. LENGTH OF MEETINGS

Meetings of scrutiny bodies and the Appeals and Reviews, Audit, Licensing, Personnel and Standards Committees will end no later than two and a half hours after the start-time stated on the agenda unless there is a vote of the majority of the members of the body concerned present to extend the time of the meeting for up to a further 30 minutes to conclude an item of business. Such a vote will extend the overall length of the meeting to a maximum of three hours. Any items of business not completed at a meeting as a result of this rule will stand deferred to the next meeting of the body concerned.

This rule does not apply to meetings of the Cabinet, Plans Committee or to panel and sub-committee hearings.

41. THE CONDUCT OF CABINET MEETINGS

41.1 Chairing of Meetings

If the Leader is present he or she will preside. In his or her absence, then the Deputy Leader shall preside. In the absence of the Leader and the Deputy Leader, a chair will be appointed by the Cabinet for the meeting.

41.2 Entitlement to attend

In determining who will attend Cabinet meetings, the Cabinet will observe the requirements in Rule 35 and the Access to Information Procedure Rules in Part 4 of this Constitution.

41.3 The business to be conducted

The agenda for the Cabinet will be determined in accordance with Rule 29(i). At each meeting of the Cabinet the following business will be conducted:

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest, if any;
- (iii) announcements by the Leader prepared in the form of a written report on significant, recent matters within the remit of the Cabinet;
- (iv) matters referred to the Cabinet (whether by a scrutiny committee or by the Council) for reconsideration by the Cabinet in accordance with the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (v) consideration of reports from scrutiny committees;
- (vi) matters set out in the agenda for the meeting, which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution; and
- (vii) matters containing exempt or confidential information as described in Access to Information Procedure Rule 10. Any such items of business will be considered in the order set out above after the press and public have been excluded.

41.4 Consultation

All reports to the Cabinet on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

42. DELEGATED PLANNING APPLICATIONS

A member who is not a member of the Plans Committee may address the committee called to consider planning or other applications or enforcement actions for a period of no longer than five minutes, but will not be entitled to take part in the debate or vote, provided that:

- (a) the member is one of the affected ward members who has been, or would have been, consulted under item 1 (iv) of the delegations to the Head of Planning and Regeneration in Part 3 of the Constitution;
- (b) the member gives notice in writing or in person to the Head of Planning and Regeneration at least 24 hours before the appropriate meeting specifying the application in respect of which he or she wishes to speak;
- (c) If more than one member wishes to speak on the same application or enforcement action, the period of five minutes for speaking described in (c) above will be divided equally between the members concerned.
- (d) The Chair of the Plans Committee may, in exceptional circumstances and with the consent of the Committee, allow a member who has not given the required notice to address the meeting.

43. PUBLIC SPEAKING AT PLANS COMMITTEE MEETINGS

Where written notice is given not later than seven working days before the meeting of the Plans Committee, and this has been confirmed not less than two working days before the meeting itself, the following people may address the committee for a period of no more than five minutes:

- i) An objector to an application where:
 - the objector has made a written comment on the application setting out the reasons for objection;
 - the grounds of objection raise material planning considerations; and
 - the objector has given written notice of a wish to speak;
- ii) An applicant (or agent appointed to act on his/her behalf);
- iii) An authorised representative of the Town/Parish Councils or Meetings that have been consulted supporting the view of those Town/Parish Councils or Meetings on an application.
- iv) Where no Town/Parish Council or Meeting exists, an authorised representative of a properly constituted community group based in that area which has made formal representations in respect of the application, supporting the view of that group on an application.

For a decision on whether to issue an enforcement notice, whether or not there is also an associated application on the agenda, the following people may address the committee for a period of no more than five minutes providing they have confirmed that they will do so not less than two working days before the meeting:

- i) The developer (or agent appointed to act on his/her behalf),
- ii) Any person who has lodged a complaint in respect of the unauthorised development,
- iii) An authorised representative of a Town/Parish Council or Meeting which has lodged a complaint in respect of the unauthorised development, in support of that complaint.
- iv) Where no Town/Parish Council or Meeting exists, an authorised representative of a properly constituted community group based in

that area which has lodged a complaint in respect of the unauthorised development, in support of that complaint.

Where there is more than one objector or complainant who has made a request to speak, it is the responsibility of the objectors/complainants to appoint a representative to speak on their behalf. If no agreement can be reached by the objectors the time limit of five minutes will be divided equally among the objectors/complainants.

Where there are both application and enforcement items relating to the same development, there will only be one opportunity to speak and that will be to the item which appears first on the agenda.

The Chair of the Plans Committee may, in exceptional circumstances and with the consent of the Committee, allow a person who has not given the required notice to address the meeting.

Ward members may exercise the right to address the Plans Committee on planning and other applications or enforcement issues in their wards according to Council Procedure Rules 35(iv) and 42.