

# **D1 - COUNCIL PROCEDURE RULES**

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# **PART I - MEETINGS AND PROCEEDINGS OF THE COUNCIL**

## **1. MEETINGS**

The Head of Democratic Services will produce a schedule of meetings for each Municipal Year, based on operational requirements. Once finalised, a copy of the Schedule of Meetings will be circulated to all Members of the Council and posted on the Council's website.

In addition to its Annual Meeting, a minimum of four ordinary meetings of the Council will be scheduled.

Any meeting which appears in the Schedule of Meetings will not normally be cancelled. However, cancellation will be considered in the absence of formal business to be transacted, or in such other exceptional circumstances (e.g. where extreme weather conditions prevent either travel to a meeting by a majority of Members or access to the meeting venue).

If cancellation of a Council Meeting is being contemplated, the Head of Democratic Services will consult the relevant Chairman, the Group Leaders, and the Chief Executive. If there is no unanimity of view, it will be for the Chairman to decide whether the meeting shall go ahead, having regard to the views expressed.

If cancellation of a Cabinet or Committee Meeting is being contemplated, the Head of Democratic Services will consult the relevant Chairman, and it will be for the Chairman to decide whether the meeting shall go ahead.

## **2. ANNUAL MEETING OF THE COUNCIL**

### **2.1 Timing and Business**

In a year when there is an ordinary election of councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the Annual Meeting will take place in May, on a date to be fixed in advance.

The Annual Meeting will:

- (i) elect a person to preside if the Chairman of the Council is not present;
- (ii) elect the Chairman of the Council;
- (iii) appoint the Vice-Chairman of the Council;
- (iv) receive any announcements from the Chairman and/or the Leader of the Council and/or the Head of Paid Service;
- (v) receive any declarations of interest from Members and Officers;
- (vi) in a year of ordinary election of councillors, elect the Leader of the Council for the four-year term of the Council, who shall be the Chairman of the Cabinet;
- (vii) receive the appointments of the Leader in respect of the other Cabinet members, including a Deputy Leader who shall be appointed for the four-year term of the Council and who shall be Vice-Chairman of the Cabinet;

- (viii) make appointments to the following Committees - an Audit and Scrutiny Committee, a Planning Committee, a Licensing Committee - and such other committees as the Council considers appropriate;
- (ix) agree any changes to the terms of reference for those Committees (as set out in Part 3 of this Constitution);
- (x) if appropriate, approve the minutes of the previous meeting of the Council;
- (xi) receive the record of Members' attendances at meetings during the previous municipal year;
- (xii) in a year of ordinary election of councillors, to receive the return of Councillors elected;
- (xiii) agree any changes to the scheme of delegations insofar as the Constitution determines it is for the Council to agree such functions;
- (xiv) consider any business set out in the notice convening the meeting.

N.B. No Member of the Council is entitled to hold the office of Chairman of the Council for a continuous period of more than three years.

## **2.2 Selection of Councillors on Committees and Outside Bodies**

At the Annual Meeting, the Council will:

- (i) decide which Committees to establish for the Municipal Year;
- (ii) decide on any changes to the size and terms of reference for the Committees;

- (iii) agree the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations/appointments of Councillors to serve on each committee and outside body (if appropriate); and
- (v) appoint to those committees and outside bodies, except where appointment to those bodies has been delegated by the Council.

### **2.3 Variation of Order of Business**

Except for items (i), (ii) and (ii) of Rule 2.1 above, the order of business may be varied by either:

- (a) the Chairman at his/her discretion; or
- (b) a resolution of the Council, passed on a motion (which need not be in writing) duly proposed and seconded which, once moved, shall be put without discussion.

## **3. ORDINARY MEETINGS**

### **3.1 Timing and Business**

Ordinary Meetings of the Council will take place in accordance with the agreed schedule.

Ordinary Meetings will:

- (i) elect a person to preside if the Chairman and Vice-Chairman are not present;

- (ii) deal with any business required by statute to be done before any other business;
- (iii) approve the minutes of the last meeting;
- (iv) deal with any business expressly required by statute to be done;
- (v) receive any declarations of interest from Members and Officers;
- (vi) receive any announcements from the Chairman and/or the Leader of the Council and/or the Head of Paid Service;
- (vii) deal with questions submitted by members of the public under Rule 10;
- (viii) deal with formal questions from Members under Rule 11;
- (ix) deal with petitions or similar communications submitted by members of the public under Rule 23;
- (x) dispose of any business from the previous Council meeting;
- (xi) receive reports from the Cabinet and consider questions and answers on any of those reports;
- (xii) receive reports from any of the Council's Committees and consider questions and answers on any of those reports;
- (xiii) consider any issues relating to the Audit and Scrutiny Committee;
- (xiv) consider motions submitted by Members pursuant to Rule 12, in the order in which they have been received;
- (xv) consider any other business specified in the summons to the meeting;  
and

(xvi) authorise, where necessary, the sealing of documents.

### **3.2 Variation of Order of Business**

Except for items (i), (ii) and (iii) of Rule 3.1 above, the order of business may be varied by either:

- (a) the Chairman at his/her discretion; or
- (b) a resolution of the Council, passed on a motion (which need not be in writing) duly proposed and seconded which, once moved, shall be put without discussion.

## **4. EXTRAORDINARY MEETINGS**

### **4.1 Calling Extraordinary Meetings**

Those listed below may request the Proper Officer to call Council Meetings in addition to Ordinary Meetings:

- (i) the Council by resolution;
- (ii) the Chairman of the Council;
- (iii) the Monitoring Officer; and
- (iv) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council. If the Chairman refuses to call a meeting or fails to call a meeting within seven working days of the presentation of the requisition, the Proper Officer shall be required to call the meeting within a further seven working days. The requisition

must specify the business which it is proposed to transact at the meeting.

#### **4.2 Business**

The summons for the Extraordinary Meeting must set out the specified business to be transacted, and no other business can be considered at the meeting.

### **5. TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined in advance and notified in the summons.

### **6. NOTICE OF, AND SUMMONS TO, 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. At least five clear days before a meeting, the Proper Officer will send a summons signed by him or her to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of the meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

### **7. CHAIRMAN OF MEETING**

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

## **8. QUORUM**

The quorum of a meeting will be one quarter of the whole number of Members and shall, in any event, be not less than 3 Members.

During any meeting, if the Chairman 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 Chairman. If he/she does not fix a date, the remaining business will be considered at the next Ordinary Meeting.

## **9. DURATION OF MEETING**

Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for four hours (excluding adjournments) will adjourn immediately following conclusion of the item of business under consideration. Remaining business will be considered at a time and date fixed by the Proper Officer, in consultation with the Chairman. If he/she does not fix a date, the remaining business will be considered at the next Ordinary Meeting.

## **10. QUESTIONS BY THE PUBLIC**

### **10.1 General**

Members of the public may ask questions at Ordinary Meetings of the Council, Cabinet and Committees. A maximum period of fifteen minutes shall be allowed at any such meeting for public questions.

### **10.2 Order of Questions**

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

### **10.3 Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than 5.00 p.m. on the working day before the day of the meeting. Each question must give the name and address of the questioner.

### **10.4 Number of Questions**

At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.

### **10.5 Scope of Questions**

The Proper Officer may reject a question if it:

- is not about a matter for which the Council has a responsibility or which affects the District;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council, Cabinet or Committee in the past six months;  
or
- requires the disclosure of confidential or exempt information.

### **10.6 Record of Questions**

The Proper Officer will enter each question in a register open to public inspection. Rejected questions will also be recorded, and include reasons for rejection. The Proper Officer will also keep a record of the date and time that questions are received.

Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

### **10.7 Asking the Question at the Meeting**

The Chairman will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on his/her behalf. The Chairman may ask the question on the questioner's behalf and/or indicate that a written reply will be given. Any question duly submitted shall be dealt with at the meeting concerned.

### **10.8 Response**

An answer 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.

If a question is submitted at least seven working days prior to the meeting, a written answer will be guaranteed by no later than 24 hours prior to the meeting. A written response cannot be guaranteed to a question submitted any later than seven working days prior to the meeting but, in respect of any question that cannot be dealt with at a meeting, a written response will be provided within five working days of the relevant meeting.

## 10.9 **Supplementary Question**

A questioner who has put a question in person may also put one supplementary question without notice in response to the reply to his or her original question.

A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 10.5 above.

A supplementary question may be preceded by a short preamble to set the context but, if such preamble is excessive, then the Chairman shall stop the person from speaking further by way of preamble and ask him/her to put the question.

An immediate answer cannot be guaranteed to any supplementary question. However, the Cabinet Member or Chairman will try and answer the supplementary question at the meeting, if at all possible; but if the Cabinet Member or Chairman is unable to answer the question at the Meeting, then he/she will answer as much as possible and then provide a full response within five working days (if, for any reason, a full response cannot be provided within the five days, then a holding response will be sent, along with the reason for delay and a likely timescale for the full response). In respect of any supplementary question that cannot be dealt with at a meeting, a written response will be provided within five working days of the relevant meeting.

## 10.10 **Written Answers**

Any question which cannot be dealt with during public question time, because of lack of time, will be dealt with by a written answer.

## **10.11 Reference of Question to the Council, the Cabinet or a Committee**

No discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Council, the Cabinet or the appropriate Committee. Once seconded, such a motion will be voted on without discussion.

## **11. QUESTIONS BY MEMBERS**

### **11.1 Questions on Reports of Cabinet/Committees**

A Member of the Council may ask the Leader, a Cabinet Member, or the Chairman of a Committee any question without notice upon an item of the report of the Cabinet or a Committee when that item is being received or under consideration by the Council.

### **11.2 Questions on Notice at Council**

Subject to Rule 11.4, a Member of the Council may ask:

- the Chairman; or
- the Leader; or
- a Cabinet Member; or
- the Chairman of any Committee;

a question on any matter in relation to which the Council has powers or duties or which affects the Cotswold District.

A maximum period of fifteen minutes shall be allowed at any such meeting for Member questions.

### **11.3 Questions on Notice at Cabinet/Committee Meetings**

Subject to Rule 11.4, a Member may ask the Leader/Cabinet Member/Chairman a question on any matter in relation to which the Council has powers or duties or which affects the Cotswold District and which falls within the terms of reference of the Cabinet/that Committee.

A maximum period of fifteen minutes shall be allowed at any such meeting for Member questions.

### **11.4 Order of Questions**

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

### **11.5 Notice of Questions**

A Member may only ask a question under Rule 11.2 or 11.3 if either:

- (a) the question has been delivered in writing or by electronic mail to the Proper Officer no later than 5.00 p.m. on the working day before the day of the meeting; or
- (b) the question relates to an urgent matter, he/she has the consent of the Chairman to whom the question is to be put and the content of the question is given to the Proper Officer by 9.30 a.m. on the day of the meeting.

### **11.6 Number of Questions**

At any one meeting no Member may submit more than two questions.

### **11.7 Scope of Questions**

The Proper Officer may reject a question if it:

- is not about a matter for which the Council has a responsibility or which affects the District;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council, Cabinet or Committee in the past six months;  
or
- requires the disclosure of confidential or exempt information.

### **11.8 Record of Questions**

The Proper Officer will enter each question in a register open to public inspection. Rejected questions will also be recorded, and include reasons for rejection. The Proper Officer will also keep a record of the date and time that questions are received.

Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

### **11.9 Asking the Question at the Meeting**

The Chairman will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on his/her behalf. The Chairman may ask the question on the questioner's behalf and/or indicate that a written reply will be given. Any question duly submitted shall be dealt with at the meeting concerned.

### 11.10 **Response**

An answer 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.

If a question is submitted at least seven working days prior to the meeting, a written answer will be guaranteed by no later than 24 hours prior to the meeting. A written response cannot be guaranteed to a question submitted any later than seven working days prior to the meeting but, in respect of any question that cannot be dealt with at a meeting, a written response will be provided within five working days of the relevant meeting.

### 11.11 **Supplementary Question**

A Member asking a question under Rule 11.2 or 11.3 may ask one supplementary question without notice of the Member to whom the first question was asked.

A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 11.7 above.

A supplementary question may be preceded by a short preamble to set the context but, if such preamble is excessive, then the Chairman shall stop the person from speaking further by way of preamble and ask him/her to put the question.

An immediate answer cannot be guaranteed to any supplementary question. However, the Cabinet Member or Chairman will try and answer the supplementary question at the meeting, if at all possible; but if the Cabinet Member or Chairman is unable to answer the question at the Meeting, then he/she will answer as much as possible and then provide a full response within five working days (if, for any reason, a full response cannot be provided within the five days, then a holding response will be sent, along with the reason for delay and a likely timescale for the full response). In respect of any supplementary question that cannot be dealt with at a meeting, a written response will be provided within five working days of the relevant meeting.

#### **11.12 Written Answers**

Any question which cannot be dealt with during question time, because of lack of time, will be dealt with by a written answer.

#### **11.13 Reference of Question to the Council, the Cabinet or a Committee**

No discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Council, the Cabinet or the appropriate committee. Once seconded, such a motion will be voted on without discussion.

### **12. MOTIONS ON NOTICE**

#### **12.1 Notice**

Except for motions which can be moved without notice under Rule 13, written notice of every motion, signed by at least two Members, must be delivered to the Proper Officer not later than seven working days before the date of the meeting. These will be entered in a register open to public inspection.

## **12.2 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 notice states, in writing, that he/she proposes to move it to a later meeting or withdraw it.

## **12.3 Scope**

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

## **12.4 Debate**

A motion concerning a matter within the purview of the Cabinet or any Committee which is moved and seconded shall automatically stand referred to the Cabinet or that Committee. The Chairman may, however, allow the motion to be dealt with at the meeting at which it is moved if he/she considers it convenient and conducive to the despatch of business.

## **12.5 Voting on Motions**

At the end of a debate, the motion shall be formally concluded by a vote.

## **13. 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) to question the accuracy of the minutes;
- (c) to change the order of business in the agenda;

- (d) to refer something to an appropriate committee, body or individual;
- (e) to appoint a committee or members thereof arising from an item on the summons for the meeting;
- (f) to receive reports or adopt recommendations of the Cabinet or committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) to propose that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to propose that the meeting continue beyond four hours in duration (see Rule 9);
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

## **14. RULES OF DEBATE**

### **14.1 No Speeches until Motion Seconded**

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

### **14.2 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.

### **14.3 Seconders's Speech**

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

### **14.4 Content and Length of Speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech will normally exceed five minutes, although the Chairman shall have ultimate discretion as to the length of speeches.

### **14.5 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 he/she last spoke;

- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply (see Rule 14.9);
- (e) on a point of order;
- (f) by way of personal explanation; and
- (g) if named subsequently in the debate.

#### **14.6 Amendments to Motions**

(a) An amendment to a motion must be relevant to the motion and will either be:

- (i) to refer the matter to an appropriate committee, body or individual for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words;

as long as the effect of (ii) to (iv) 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.

#### **14.7 Alteration of Motion**

- (a) A Member may alter a motion of which he/she 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 which he/she 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.

#### **14.8 Withdrawal of Motion**

A Member may withdraw a motion which he/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 after the mover has asked permission to withdraw it unless permission is refused.

#### **14.9 Right of Reply**

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

- (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 a right of reply to the debate on his or her amendment immediately before the mover of the original motion.

#### **14.10 Motions which may be Moved During Debate**

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) to propose that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to propose that the meeting continue beyond four hours in duration (see Rule 9);
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a Member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

#### 14.11 Closure Motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
  
- (b) If a motion to proceed to next business is seconded, and the Chairman thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
  
- (c) If a motion that the question be now put is seconded, and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed, he/she will give the mover 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 to adjourn the meeting is seconded, and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### 14.12 Point of Order

A Member may raise a point of order at any time. A Member must stand when raising a point of order. The Chairman will hear it immediately. A point of order

may only relate to an alleged breach of these Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

#### **14.13 Personal Explanation**

A Member may make a personal explanation at any time. A Member must stand when making a point of personal explanation. 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.

### **15. PREVIOUS DECISIONS AND MOTIONS**

#### **15.1 Motion to Rescind a Previous Decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one quarter of the whole number of Members of the Council.

#### **15.2 Motion Similar to One Previously Rejected**

A motion or amendment in the same terms as, or similar terms to, one that has been rejected at a meeting of Council in the past six months cannot be moved for a further six months, unless this rule is suspended pursuant to Rule 24 or Rule 37.

## 16. **VOTING**

### 16.1 **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 was put.

### 16.2 **Chairman's Casting Vote**

If there are equal numbers of votes for and against, the Chairman will have the right to exercise a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote, including the choice not to use such vote.

### 16.3 **Show of Hands**

Unless a ballot or recorded vote is demanded under Rules 16.4 and 16.6, the Chairman will take the vote by show of hands.

### 16.4 **Ballots**

The vote will take place by ballot if one quarter of the number of Members present at the meeting demands it. The Chairman will announce the numerical result of the ballot immediately the result is known.

### 16.5 **Record of Voting**

A record of all votes shall be recorded in Minutes.

## **16.6 Recorded Vote**

If, before a vote is taken, three 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 entered into the minutes. A demand for a recorded vote will override a demand for a ballot except when voting for appointments, when a ballot shall prevail.

## **16.7 Right to Require Individual Vote to be Recorded**

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

## **16.8 Voting on Appointments**

If there are more than two people nominated for any position to be filled, and upon a vote being taken there is not a clear majority of votes in favour of one person (i.e. the number of votes cast for one person is not greater than the total sum of the votes cast for all other nominees), 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. If at any stage in the process an equal number of votes is cast for two nominees when one of them is to be appointed or taken off the list, the issue will be determined by the drawing of lots.

## **17. MINUTES**

### **17.1 Signing the Minutes**

The Chairman will sign the minutes of the proceedings (including any confidential minutes) at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record

(subject to him/her having been present at such meeting). The only part of the minutes that can be discussed is their accuracy.

When the minutes have been signed, Members may ask questions to ascertain what progress has been made on a particular matter referred to in the minutes, but not make any other statement or generate discussion on the minutes.

### **17.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting or Special 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), or a special 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.

### **17.3 Form of Minutes**

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

The minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information may not be made available to the public but a summary of the proceedings will be made available where the minutes open to inspection do not provide a reasonably fair and coherent record (see the Access to Information Procedure Rules).

## **18. 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.

## **19. EXCLUSION OF PUBLIC AND PRESS**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

## **20. MEMBERS' CONDUCT**

### **20.1 Standing to Speak**

When a Member speaks at Council Meetings, he/she must stand and address the meeting through the Chairman. If more than one Member stands, the Chairman will ask one to speak and the other(s) must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation. The Chairman has the right to waive the requirement for a Member to stand to speak where he/she considers it appropriate to do so.

### **20.2 Chairman Standing**

When the Chairman stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

### **20.3 Member Not to be Heard Further**

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

### **20.4 Member to Leave the Meeting**

If the Member continues to behave improperly after such a motion is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### **20.5 General Disturbance**

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

## **21. DISTURBANCE BY PUBLIC**

### **21.1 Removal of Member of the Public**

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If he/she continues to interrupt, the Chairman will order his/her removal from the meeting room.

### **21.2 Clearance of Part of Meeting Room**

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

## **22. RECORDING AND OTHER APPARATUS**

No one shall bring into the Council Chamber, or other room in which the Council or Cabinet or a Committee is meeting, any camera or other apparatus capable of making a photographic or other pictorial record for subsequent use, or any ray or transmitting apparatus, recording machine or other apparatus capable of recording speech for subsequent use, or any typewriter, laptop or similar device, or any active mobile phone, or any other such apparatus, unless prior written notification has been given to the Head of Democratic Services.

Any person acting in breach of this provision can be required to leave the meeting forthwith.

This provision shall not apply to the use of a laptop or similar device by any Member or Officer of the Council for any purpose connected with the business being transacted at any meeting.

## **23. PETITIONS**

Any petition or similar communication received by a Member or Chief Officer should first be presented formally to the next meeting of the Council by the Member or Chief Officer concerned and then referred to the Cabinet or relevant Committee for consideration.

These provisions do not apply to any petition or similar communication concerning planning applications or similar matters, which must be presented direct to the Planning Committee.

For the purposes of this Rule, a petition or similar communication must contain the names of at least ten people resident within the District.

The Local Petitions Scheme operated by the Council is included within the Council's Constitution.

## **24. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### **24.1 Suspension**

All of these Council Rules of Procedure, except Rule 16.6 and Rule 17.2, may be suspended 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.

### **24.2 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next Ordinary Meeting of the Council.

## **PART II - MEETINGS AND PROCEEDINGS OF THE CABINET AND COMMITTEES**

### **25. APPLICATION OF COUNCIL PROCEDURE RULES TO CABINET AND COMMITTEES**

Whereas all of the Council Rules of Procedure apply to meetings of the Council, only Rules 1, 6-14 (subject to Rule 14 being extended to allow a Member to speak more than once on a matter at the discretion of the Chairman), and Rules 15-24 (but not Rule 20.1) apply to meetings of the Cabinet and Committees.

### **26. APPOINTMENT OF COMMITTEES**

The Council at its Annual Meeting must appoint such Committees as it is required to appoint by or under any statute or by virtue of the Constitution.

The Council can at any other time appoint such other Committee(s) as it considers necessary or disestablish any Committee(s). It can at any time dissolve or alter the membership of a Committee.

### **27. MEMBERSHIP OF THE CABINET AND COMMITTEES**

The Cabinet will comprise the Leader of the Council, together with up to nine other Members to be appointed by the Leader (one of whom shall be appointed as Deputy Leader).

The Leader will be elected by the Council, for a four-year term; and the Deputy Leader shall be appointed by the Leader for a four-year term.

With the exception of the Cabinet, the Regulations in respect of political proportionality on Committees will apply. Any Councillor who is not a member of a political group (a non-aligned Member) will be entitled to serve on one Committee.

Each political group will make its own decisions regarding the allocation of Committee places to its members (within the overall allocation of seats).

The places allocated across any non-aligned Members shall be filled, if at all possible, by mutual agreement across those non-aligned Members but, if agreement cannot be reached, the Head of Democratic Services will determine the relevant Committee placings.

A Member of the Cabinet is not able also to serve on the Audit and Scrutiny Committee. However, a Member of the Cabinet is able to serve on the Planning Committee and/or the Licensing Committee.

Neither the Chairman nor Vice-Chairman of the Council is able to serve on the Cabinet.

The Chairman of the Council is not able to serve on the Audit and Scrutiny Committee (but the Vice-Chairman of the Council can).

The Chairman and Vice-Chairman of the Council are able to serve on the Planning Committee and/or the Licensing Committee. However, the Chairman of the Council cannot serve on any Committee of which the Vice-Chairman of the Council is a Member; and vice versa.

## **28. ORDINARY MEETINGS OF CABINET AND COMMITTEES**

Ordinary Meetings of the Cabinet and Committees will be held on the dates contained in the approved programme of meetings, and at times fixed by the Council or by the Cabinet or Committee concerned. The date and time fixed

may be altered by the Leader/Chairman of the Committee if, for good reason, he/she considers that the date and/or time fixed is inconvenient for the despatch of business.

## **29. SPECIAL MEETINGS OF CABINET AND COMMITTEES**

The Leader of the Council or the Chairman of the Committee may call a Special Meeting of the Cabinet or Committee at any time. A Special Meeting can also be requisitioned by at least one quarter of the whole number of the Members of the Cabinet or Committee, subject to a minimum of three Members. The requisition must be delivered in writing to the Proper Officer and must specify the business which it is proposed to transact at the meeting. The summons for the Special Meeting must set out the specified business to be transacted, and no other business can be considered at that meeting.

## **30. SUBSTITUTE MEMBERS**

### **30.1 Substitution Generally**

For each Committee where substitution is applicable, substitutes are permitted in respect of each political group, and across non-aligned Members as if those members were to have formed a grouping. Substitution is only permitted within each political grouping, or within the non-aligned Members (i.e. a Member of a political group cannot substitute for a Member of another political group or a non-aligned Member; and a non-aligned Member cannot substitute for a Member of a political group).

Substitute Members may attend meetings in that capacity only:

- (i) to take the place of the ordinary Member for whom they are the designated substitute;

- (ii) where the ordinary Member will be absent for the whole of the meeting (N.B. the substitution shall apply for the whole of the meeting, even if the meeting is adjourned and reconvened on another date); and
- (iii) after notifying the Proper Officer by 5.00 p.m. on the working day prior to the day of the meeting of the intended substitution.

Notification of substitution can be made by the Member appointing the substitute, the substitute Member, or in the case of a substitution within a political group by the Leader or Deputy Leader of the relevant political group.

### **30.2 Number**

For each Committee where substitution is applicable, there shall be no maximum number of substitutes in respect of each political group or non-aligned Members at any meeting, provided that the general requirements in respect of Committee memberships are not infringed.

### **30.3 Powers and Duties**

Substitute Members will have all the powers and duties of any ordinary Member of the Committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting. Substitute Members shall abide by any voting restrictions which would have applied to the Member for whom they are substituting and when on the Planning Committee shall not be able to vote or make/second propositions/ amendments on applications for planning permission, listed building consent, conservation area consent, advertisement consent; or certificates of lawful use or development; or enforcement issues; or issues relating to legal agreements within their own Wards or the Wards of any Member for whom they are substituting.

#### 30.4 **Cabinet**

Substitution shall not apply to the Cabinet.

#### 30.5 **Planning Committee**

Members of the Cabinet and/or Licensing and/or Audit and Scrutiny Committees can substitute at meetings of the Planning Committee.

#### 30.6 **Licensing Committee**

Members of the Cabinet and/or Planning and/or Audit and Scrutiny Committees can substitute at meetings of the Licensing Committee.

#### 30.7 **Audit and Scrutiny Committee**

Members of the Planning Committee and/or Licensing Committee who are not also Members of the Cabinet can substitute at Meetings of the Audit and Scrutiny Committee.

### 31. **CHAIRMEN OF COUNCIL AND COMMITTEES**

The Council and every Committee (with the exception of the Cabinet) at its first meeting in every year must, as its first item of business, elect a Chairman and, unless otherwise agreed, appoint a Vice-Chairman.

The Chairman of the Council, by virtue of office, is not eligible to hold office as a Chairman of a Committee during his/her term.

No Member of the Cabinet is entitled to hold the office of the Chairman or Vice-Chairman of any Committee.

No Member of the Council is entitled to hold the office of the Chairman of more than one Committee at any time.

No Member of the Council is entitled to hold the office of the Chairman of Council or the Chairman of any Committee for a continuous period of more than three years.

No Member is eligible to be a Chairman or Vice-Chairman of any Committee within one year of ceasing to hold office as Chairman of any Committee.

### **32. POWER OF REQUISITION**

Once a vote has been taken on a matter for which the Cabinet or a Committee has power to act, the decision of the Cabinet/Committee is made.

If, however, three Members of the Cabinet or Committee so request, the matter is classed as “unresolved” and shall stand referred to the next Ordinary Meeting of the Council for decision.

The request must be made immediately after the vote is taken, and before the Meeting moves on to the next item of business as set out on the agenda or within the Schedule of Applications being determined by the Planning Committee.

The effect of such an action is that the power of the Cabinet/Committee to deal with the matter is cancelled. The Cabinet/Committee will report to the Council Meeting with a recommendation. The Council will receive all the paperwork in support of the item to be decided.

**33. PROPOSER AND SECONDER OF MOTION MAY ATTEND**

A Member of the Council who has proposed a motion which has been referred to the Cabinet or any Committee of which he/she is not a Member is entitled to attend the Cabinet/Committee at which the motion is to be considered and to speak at the meeting, but may not vote. A similar opportunity is afforded to the Member who seconded the motion.

**34. ITEMS FOR AGENDA**

A Member can require that an item be placed on the agenda for a Committee if he/she gives notice of such a request to the Proper Officer not later than noon on the Monday of the week preceding the meeting in question; provided that no Member may seek to exercise his/her right under this Rule in relation to an item which he/she has previously had placed on an agenda within the preceding six months, or where the matter has been debated and determined within the preceding six months.

**35. ATTENDANCE OF MEMBERS AS OBSERVERS**

Non-Members of the Cabinet and Committees have the right to attend meetings of the Cabinet and Committees as observers, as an approved duty. They may speak by invitation only from the Chairman, but may not vote.

**36. VOTING AT PLANNING COMMITTEE MEETINGS/COUNCIL MEETINGS WHERE DEVELOPMENT CONTROL MATTERS ARE BEING DECIDED**

Members of the Planning Committee shall not be able to vote or make/second propositions/amendments on applications for planning permission, listed building consent, conservation area consent, advertisement consent; or

certificates of lawful use or development; or enforcement issues; or issues relating to legal agreements; within their own Wards. An identical restriction applies to all Members in respect of voting at Council Meetings where development control matters are being decided.

### **37. SUSPENSION OF PROCEDURE RULES**

All of the Rules of Procedure which apply to meetings of the Cabinet and Committees, except Rule 16.6 and Rule 17.2, may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Cabinet/Committee are present and support the suspension. Suspension can only be for the duration of the meeting.

Any notice of motion to suspend Procedure Rules to enable the rescinding of a decision taken within the preceding six months must be submitted in line with the normal procedure for the submission of notices of motion, except that in cases which satisfy the legal conditions of urgency, any such notice of motion be permitted to be dealt with at the meeting concerned.

## **PART III - MISCELLANEOUS MATTERS**

### **38. MATTERS OF URGENCY**

The Chief Executive, as the Council's Head of Paid Service, has delegated authority to take any action he/she considers necessary in the interests of the Council in cases of urgency. He/she must only act after consultation with the Leader of the Council, the Chairman of the appropriate Committee and the relevant Ward Member(s), if any. Any action taken in this way shall be reported to the first available meeting of the Council, Cabinet or relevant Committee, as appropriate.

### **39. WORKING GROUPS**

Membership of working groups shall be open to all Councillors.

All working groups established shall be of finite life and/or task; and, in any event, no working group shall continue in existence for more than 12 months unless by positive affirmation of the Council.

(END)