

# **West Suffolk Council**

## **Council Procedure Rules**

### **Introduction**

1. Ordinary meetings of the Council will usually take place five times a year on a Tuesday, commencing at 7.00 pm.
2. Meetings will usually take place at the Council's main Offices but may take place at other venues with the agreement of the Chair.
3. There are four types of Council Meetings:
  - The Annual meeting
  - Ordinary meetings
  - Extraordinary Meetings
  - Special meetings.

These are dealt with in more detail below.

4. Notice of all meetings of the Council will be given to the public by the Chief Executive in accordance with the Access to Information Rules, five clear working days before the date of the meeting, unless convened at shorter notice. Notice by summons will also be given by the Chief Executive to each Member of the Council in the manner prescribed in the Access to Information Procedure Rules. The summons shall contain the date, time and place of each meeting, specify the business to be transacted and be accompanied by such reports that may be available.
5. The Chief Executive is authorised to cancel a meeting where the agenda has already been issued if it is considered expedient. Before exercising this authority, the Chief Executive will consult with the Chair and the Leader of the Council. Any outstanding business will be held over to the next ordinary meeting or an extraordinary meeting on a date to be arranged.
6. The Council may make audio and/or visual recordings of meetings and broadcast or otherwise make them available to the public on its website or by other means.

### **1. Annual meeting of the Council**

#### **1.1 Timing and business**

The Annual Meeting of the Council will be held:-

- 1.1.1 In a year of ordinary elections of Councillors to the Council, on such day within the twenty-one days immediately following the day of retirement of Councillors as the Council may fix.

1.1.2 Unless, by virtue of any enactment, the Council is allowed to cancel, defer or delay the Annual Meeting, in any other year, on such day in the month of March, April or May as the Council may fix.

1.1.3 At such hour as the Council may fix.

1.1.4 At the Annual Meeting, the Council will:-

- (a) Elect a Member to preside if the retiring Chair and Vice Chair are not present.
- (b) Elect the Chair for the ensuing year.
- (c) Receive any announcements from the Chair.
- (d) Receive any announcements from the Officer advising the Chair including apologies for absence.
- (e) Elect the Vice Chair.
- (f) Elect the Leader at the post-election Annual Meeting.
- (g) If practicable, be told by the Leader about the composition and constitution of the Cabinet for the coming year, and the names of Councillors chosen to be Members of the Cabinet.
- (h) Determine the Council's Committee structure in accordance with 1.2 below.
- (i) At the post-election Annual Meeting, determine the arrangements for outside bodies in accordance with 1.3 below.
- (j) Appoint the Chair and Vice-Chair of the Overview and Scrutiny Committee and the Performance and Audit Scrutiny Committee.
- (k) Update the Constitution if necessary in line with 1.2 below.
- (l) Consider any other business set out in the notice convening the meeting.

## 1.2 **Selection of councillors on committees**

At the Annual Meeting, the Council will:-

- (a) Decide which Committees to establish for the municipal year.
- (b) Decide the size and agree terms of reference for those Committees.
- (c) Decide the allocation of seats and substitutes to political groups in accordance with the political balance rules.
- (d) Receive, or arrange the delegation of, nominations of Councillors to serve on each Committee for which a new appointment or re-appointment is required.
- (e) Appoint to those Committees.

## 1.3 **Selection of councillors on outside bodies**

At the post-election Annual Meeting, the Council will:-

- (a) Receive, or arrange the delegation of, nominations of Councillors to serve on any outside body for which a new appointment or re-appointment is required.

- (b) Appoint to those outside bodies, except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

## **2. Ordinary meetings of the Council**

2.1 Ordinary meetings of the Council will usually take place at 7.00pm but may take place at any other time in accordance with the programme previously approved by the Council. The starting time of an ordinary meeting may be changed before the publication of the agenda by agreement of the Leader and the Chair.

2.2 Unless changed in accordance with paragraph 2.3 below, the order of business at every ordinary meeting of the Council, will be:-

- (a) To elect a person to preside if the Chair and Vice Chair are not present.
- (b) To deal with any business required by law to be dealt with first.
- (c) To confirm as a correct record and sign the minutes of the last meeting of the Council, except that minutes of a special meeting or an extraordinary meeting of the Council will be submitted for confirmation to the next ordinary meeting of the Council.
- (d) The Chair's announcements.
- (e) To receive any announcements from the Officer advising the Chair (including apologies for absence).
- (f) Declarations of interests.
- (g) To receive statements and answer questions from members of the public in accordance with Rule 6 below.
- (h) The Leader's report and questions in accordance with Rules 8.1 – 8.3 below.
- (i) To receive, and when appropriate debate, any petitions in accordance with the Petition Scheme attached as Appendix A to these Rules.
- (j) To deal with any business remaining from the last Council meeting in accordance with Rules 5.2 and 11.11(c) below.
- (k) To deal with the referrals report of recommendations from Cabinet and Committees.
- (l) To consider any other business specified in the summons to the meeting, including reports of the Overview and Scrutiny Committee and the Performance and Audit Scrutiny Committee.
- (m) To receive reports about, and receive questions and answers on, the business of joint arrangements and external organisations.
- (o) To consider any motions under Rule 9 below in the order in which they are received.
- (p) To answer any questions received under the terms of Rules 8.4 – 8.8 below.
- (q) To consider any business, which by reason of special circumstances, should in the opinion of the Chair be considered at the meeting as a matter of urgency. The special circumstances concerned shall be specified in the minutes of that meeting.

2.3 The order of business (except for items (a), (b) and (c) of paragraph 2.2 above of these Rules) may be changed:-

- (a) Before or at a meeting, as the Chair sees fit; or
- (b) By a resolution of the meeting passed on a motion under Rule 9 or Rule 10.1(c) below.

### **3. Special and extraordinary meetings of the Council**

#### **Calling Special or Extraordinary Meetings**

3.1 An Extraordinary meeting is one that is additional to the scheduled ordinary meetings and is called to deal with matters that cannot conveniently be dealt with at one of those meetings. A Special meeting is one called for a specific and unusual purpose, for example to confer an honorary title.

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

- (a) The Council by resolution.
- (b) The Chair.
- (c) The Monitoring Officer.
- (d) In accordance with paragraph 3 of Schedule 12 of the Local Government Act 1972 (as amended), any five Members of the Council if they have signed a requisition presented to the Chair and who has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **Business**

3.2 Special or Extraordinary meetings will:-

- (a) Elect a person to preside if the Chair and Vice Chair are not present.
- (b) Receive any declarations of interest.
- (c) (At Extraordinary meetings only) receive statements and answer questions from members of the public in accordance with Rule 6 below and limited to the subject matter of the business to be transacted at the meeting; and
- (d) Deal with the business for which the Special or Extraordinary meeting was called. No other business will be dealt with.

### **4. Appointment of substitute members of committees and sub-committees**

4.1 As well as allocating seats on Committees, the Council may allocate seats in the same manner for substitute Members. In the case of Sub-Committees, the appointing Committees will determine the number of substitutes and appoint them. Substitute Members must be from the same political group as the absent Member. If a substitute Member cannot be found from the list of prescribed substitutes, a temporary substitute may

be appointed by the Monitoring Officer on receipt of the prescribed form authorised by the relevant Group Leader. In the case of the full Member not being in a group, the full Member seeking a substitute will authorise the form. Substitutes cannot be appointed for the Cabinet.

- 4.2 When the Council (or a Committee) wishes to appoint substitutes to a Committee (or Sub-Committee) it will adhere to the rules of political proportionality, subject to the total number of substitutes being no more than half of the total number of Members of the Committee (or Sub-Committee).
- 4.3 The powers and duties of substitutes are set out in the Committee Procedure Rules.
- 4.4 Any substitute, whether standing or temporary, must comply with any applicable training requirements for the committee prior to sitting on the Committee meeting.

## **5. Quorum**

- 5.1 If at the start of a meeting or during a meeting of the Council there are not at least one third of the Council present, the Chair will adjourn the meeting.
- 5.2 Consideration of any business not dealt with, will be adjourned to a date and time fixed by the Chair or to the next ordinary meeting of the Council, if a meeting is not fixed to consider the adjourned business.

## **6. Public question time**

### **General**

- 6.1 At each ordinary meeting of the Council, members of the public who live or work in the District may put questions or make statements on items on the agenda to members of the Cabinet or any Committee. 30 minutes will be set aside for this. 30 minutes will also be set aside for questions at Extraordinary meetings of the Council, but must be limited to the business to be transacted at that meeting.
- 6.2 Where a meeting takes place at the Council Offices, a person who wishes to speak must register by no later than midday on the Friday before the meeting is scheduled to take place. This can be done online by sending the request together with their statement or question in full and confirmation of their address or workplace to [democratic.services@westsuffolk.gov.uk](mailto:democratic.services@westsuffolk.gov.uk) or telephoning 01284 757176 / 01638 719363. The Chair has discretion to allow members of the public to speak if they are not registered.

### **Order of questions**

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

## **Time limits**

- 6.4 Each person may ask one question or make one statement only. A total of five minutes will be allowed for the question to be put and answered, or the statement made. The Chair may use their discretion to extend or reduce the time allowed if they feel it appropriate.
- 6.5 If a question is raised, one supplementary question will be allowed provided that it arises directly from the reply and the overall time limit of five minutes is not exceeded (subject to the Chair's discretion). The Member to whom the question is directed may refer it to another Member or may choose to give a written response. A written response will be provided if the Member to whom the question was directed is not present at the meeting and is not answered by another Member.
- 6.6 If a statement is made, then the Chair may allow the Leader of the Council, or other Member to whom they refer the matter, a right of reply.
- 6.7 If no questions/statements are received or all the questions/statements are dealt with in less than 30 minutes, the Council will move immediately to the next business.

## **Scope of Questions**

- 6.8 The Chair, in respect of any question/statement registered to be made at the meeting, may reject a question or stop a statement being made if it:-
- (a) Does not relate to an item on the agenda (note this does not include the Leader's Statement).
  - (b) Is defamatory, frivolous or offensive.
  - (c) Is substantially the same as a statement or question which has previously been put at a meeting of the Council (a copy will be provided).
  - (d) Requires the disclosure of confidential or exempt information; or
  - (e) Falls outside the scope of the Council's functions or services and, in such circumstances the person will be given assistance as to which is the relevant organisation to direct their question or statement.

## **Record of Questions and answers**

- 6.9 All questions/statements and answers under Public Question Time will be summarised in the minutes of the meeting. The summary for rejected questions and statements will include the reasons for rejection.

## **Written Answers**

- 6.10 As well as being sent to the person asking the question, written answers will be distributed to all Councillors and published on the Council's website.

## **7. Recording of Council meetings**

- 7.1 The Council usually makes its own recording of Council meetings. All recordings should be retained for six months after the day of the meeting.
- 7.2 Arrangements for the public to film/record and for the use of social media at meetings are set out in the Access to Information Rules.

## **8. Questions by Members**

- 8.1 At each ordinary meeting of the Council the Leader of the Council will submit a report (the Leader's Statement) summarising important developments and activities since the preceding meeting of the Council.
- 8.2 The Leader will introduce the statement and Members may ask the Leader questions:
- (a) On the Leader's statement.
  - (b) On any Council matter.

All questions will be answered immediately by the Leader or by the relevant Cabinet Member if the Leader refers any question to them, unless sufficient information to give an answer is not available. In these circumstances the Member asking the question will receive a response in writing as soon as feasible after the Council meeting at which the question was asked. The response will be distributed to all Members and published on the Council's website.

- 8.3 A total of 30 minutes will be allowed for all questions and responses. There will be a limit of five minutes for each question to be asked and answered. The Member asking the original question may put a supplementary question arising from the reply so long as the five minute limit is not exceeded. The Chair may use their discretion to extend or reduce the time allowed if they feel it appropriate.

### **Questions on notice at Council**

- 8.4 Subject to paragraph 8.5 below, a Member may submit in writing to the Monitoring Officer a question on notice for:-
- (a) The Chair; or
  - (b) The Leader or any Member of the Cabinet; or
  - (c) The Chair of any Committee or Sub-Committee.

on any matter in relation to which the Council has powers or duties or which affects the administrative area of the Council, or part of it, or the inhabitants of that area.

- 8.5 A Member may ask only one question on notice, under paragraph 8.4 above, at each Council meeting and:-

- (a) Must submit it in writing to the Monitoring Officer no later than 12 noon seven working days before the meeting, not counting the day of the meeting.
  - (b) If the question is urgent and the Member has the consent of the Member to whom the question is to be put, must submit it in writing to the Monitoring Officer by 11am on the day of the meeting.
- 8.6 Every question on notice will be answered without discussion. The Member who is asked the question on notice may ask another Member to answer. An answer may take the form of:-
- (a) A direct verbal answer summarised in the minutes.
  - (b) Where the desired information is in a publication of the Council or other published work, a reference to that publication.
  - (c) Where the reply cannot conveniently be given verbally at the meeting, a written answer sent by the appropriate Officer and/or relevant Member to all Members within five working days of the Council meeting.
- 8.7 A Member asking a question on notice under paragraph 8.4 above may ask one supplementary question, without notice, of a Member to whom the first question was asked. The supplementary question must arise directly from the original question or the reply. The total time allowed for each question, including any supplementary question, to be put and answered will be ten minutes.
- 8.8 If the Member who gave notice of the question is not present at the meeting, any other Member may ask that question, but if that does not occur, the Chair shall proceed to the next item of business. The question shall be deemed to have been withdrawn and may not be asked unless notice is given again in accordance with paragraph 8.4 above.

## **9. Motions which need written notice**

- 9.1 A "motion on notice" is a request to Council for a decision to be made or action to be taken. It is a written document, that outlines the background to why the request is being made, what is being asked at Council and the potential implications for the Council of making that decision.
- 9.2 Motions must be about matters for which the Council has a responsibility, or which affects the administrative area of the council or part of it, or the inhabitants of that area. The Monitoring Officer shall, in consultation with the Chair, reject any motions that are deemed ultra vires, illegal, or improper by virtue of being defamatory or offensive.
- 9.3 Unless there are overriding exceptional circumstances, at least 21 days prior to the Council meeting, Members expecting to submit a motion must notify the Monitoring Officer of their intention to do so. The Monitoring Officer will then engage with other relevant Officers or Members as required by the nature of the motion. The Councillors and Officers may then seek to liaise with each other about the nature of the motion,



including discussion with the proposer, on any relevant action the Council is already taking in respect of the issue and clarification on the wording of the motion.

- 9.4 Overriding exceptional circumstances would be those cases where the Councillor proposing the motion could not have reasonably foreseen the need to notify their intent to submit the motion at least 21 days prior to Council. They may only be included on the Council agenda with the written permission of the Chair.
- 9.5 The final version of the motion on notice must be delivered in writing or by electronic mail to the Service Manager (Democratic Services) no later than midday ten working days before the day of the meeting. These will be dated, and available for public inspection on request.
- 9.6 Each Member may put one motion on notice at each Council meeting. A maximum of three motions may be considered at each Council meeting unless the Chair agrees, by virtue of special urgency, that additional motions may be considered. Any motions that cannot be considered at the meeting will be deferred for consideration at a future meeting of Council.
- 9.7 The motion on notice can be moved and seconded at the meeting by any Member. If the motion on notice is not moved, it will be treated as withdrawn and may not be moved without another notice in accordance with these rules. A motion may be withdrawn at any time by the proposer of the motion.
- 9.8 Once the motion has been moved and seconded, the Chair will invite Members to debate the motion. Only five Members, in addition to the proposer and seconder, may speak to the motion. Each Member may speak only once, for a maximum of three minutes on the motion. The proposer has the right of reply at the conclusion of the debate for three minutes.
- 9.9 The Chair has the discretion to extend the time allowed and/or the number of speakers to discuss the motion, to allow for the proposer (with the agreement of the seconder) to amend the motion, or to allow for the proposer to respond to questions or points of clarification on the motion.
- 9.10 At the conclusion of the debate, the motion shall be put to a vote and determined by a simple majority of those present and voting.
- 9.11 Where an agreed motion on notice refers a matter to a Committee for consideration, then a report shall be presented in due course to the Council on how the motion on notice was considered by that Committee and any consequential outcomes as a result.

## **10. Motions and amendments which may be moved without notice**

- 10.1 The following motions and amendments may be moved without notice:-
  - (a) To appoint a Chair of the meeting at which the motion is moved.

- (b) In relation to the accuracy of the minutes.
- (c) To change the order of business on the agenda.
- (d) To receive the reports or adopt the recommendations of the Cabinet or Committees, or reports and recommendations of Officers, and any consequent resolutions.
- (e) To refer something to an appropriate body or individual.
- (f) To appoint a Committee or Member arising from an item on the summons for the meeting.
- (g) To withdraw a motion.
- (h) To extend the time limit for speeches.
- (i) To amend a motion.
- (j) To proceed to the next business.
- (k) To vote on a motion.
- (l) To vote on an amendment.
- (m) To adjourn a debate.
- (n) To adjourn a meeting.
- (o) To suspend a particular Council Procedure Rule.
- (p) To exclude or re-admit the public and press in accordance with the Access to Information Rules.
- (q) To direct that a Member named under Rule 17.3 below be not further heard or to exclude them from the meeting under Rule 17.4 below.
- (r) To give the consent of the Council where its consent is required by this Constitution.

10.2 A motion by the Chair under paragraph 10.1(p) below of these Rules, to exclude the public for an item of business, will be dealt with before any other motion on that item and will be voted on without discussion.

## **11. Rules of debate**

### **11.1 No discussion until motion or amendment seconded**

A motion or amendment will not be discussed or recorded in the minutes unless it has been proposed and seconded.

### **11.2 Motion may need to be in writing**

If the Chair requires, the motion will be put in writing before it is further discussed.

### **11.3 Secunder's speech**

When seconding a motion or an amendment, a Member may reserve the right to speak at a later point in the debate.

### **11.4 Content and length of speeches**

11.4.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

11.4.2 No speech will be longer than five minutes, except as allowed by the Council following a motion moved and carried under Rule 10.1(h) below, and will be about the matter under discussion.

11.4.3 The five minutes time limit will not apply to a Member proposing a motion, or an amendment to a motion, who will be allowed to speak for no longer than ten minutes.

### 11.5 **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 an amendment.
- (c) To move a further amendment (if the motion has been amended since they last spoke).
- (d) If their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried).
- (e) In exercise of a right of reply in accordance with paragraph 11.9 below of these Rules.
- (f) On a point of order in accordance with paragraph 11.12 below.
- (g) By way of personal explanation in accordance with paragraph 11.13 below.

### 11.6 **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 body, forum, 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 cancel the effect of 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 consideration has been dealt with.
- (c) If an amendment is lost, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion, as amended, will take the place of the original motion and will become the actual motion upon which any further amendment may be moved.
- (e) After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments. If there are no further amendments, the Chair will put the motion (as amended) to the vote.

### 11.7 **Alteration of motion**

A Member may, with the agreement of the Chair, and without discussion:-

- (a) Change a motion of which they have given notice under Rule 9 above; or

- (b) With the agreement of their seconder, change a motion which they have moved.
- (c) But only alterations which could be made as an amendment in accordance with paragraph 11.6(a) above of these Rules may be made.

#### 11.8 **Withdrawal of motion**

- (a) A motion or an amendment may be withdrawn by the mover, but only with the consent of the seconder and the Chair, which will be given without discussion.
- (b) No Member may speak on the motion after the mover has asked for consent to withdraw it, unless consent is not given.

#### 11.9 **Right to 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 also has the right of reply at the end 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.
- (d) A reply under this paragraph will be confined to matters raised in the debate on the motion or amendment.
- (e) After every reply to which this Rule refers, a vote will be taken without further discussion.

#### 11.10 **Motions which may be moved during a debate**

11.10.1 When a motion is being discussed, no other motion may be moved except the following (non-closure) motions:-

- (a) To withdraw a motion.
- (b) To amend a motion.
- (c) That the subject of debate:-
  - (i) Be referred to the appropriate forum for consideration.
  - (ii) Be referred back to the appropriate forum for further consideration.
- (d) To exclude the public and press in accordance with the Access to Information Rules.
- (e) That a Member be not further heard in accordance with paragraph 17.3.1 below of these Rules; and
- (f) By the Chair, in accordance with paragraph 17.4.1 below of these Rules, that a named Member leave the meeting.

11.10.2 Any of the motions under paragraph 11.10.1 above of these Rules will not take away from the mover of the original motion the right to reply.

#### 11.11 **Closure motions which may be moved during a debate**

- (a) A Member may move, without comment, any of the following closure motions at the end of a speech of another Member:-

- (i) To move to the next business.
  - (ii) That the question be put.
  - (iii) To adjourn the debate; or
  - (iv) To adjourn the meeting.
- (b) If a motion "*to move the next business*" or "*that the question be put*" is seconded and the Chair thinks the item has been sufficiently discussed, they will put the closure motion to the vote. If it is passed, the Chair will give the mover of the original motion a right of reply before putting that original motion to the vote.
- (c) If a motion "*to adjourn the debate*" or "*to adjourn the meeting*" is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the closure motion to the vote without giving the mover of the original motion the right of reply.

#### **11.12 Point of order**

- 11.12.1 A Member may ask to make a point of order at any time and will have the right to be heard at once, but will stay silent until asked by the Chair to speak.
- 11.12.2 A point of order will only be about a claimed breach of a provision of these Council Procedure Rules or of law and the Member will indicate the paragraph(s) or law and the way in which they consider it has been broken.
- 11.12.3 The ruling of the Chair on the matter will be final and will not be open to discussion.

#### **11.13 Personal explanation**

- 11.13.1 A Member may ask to give a personal explanation at any time and will have the right to be heard at once, but will stay silent until asked by the Chair to speak.
- 11.13.2 A personal explanation will be confined to some material part of an earlier speech by the Member which may appear to have been misunderstood in a later stage of the debate.
- 11.13.3 The ruling of the Chair on the admissibility of a personal explanation will be final.

### **12. Previous decisions and motions**

#### **12.1 Motion to rescind a previous decision**

A motion to overturn a decision made at a meeting of the Council within the past six months cannot be moved unless the notice of motion is signed by at least fifteen Members. Once the motion is dealt with, no Member can propose a similar motion for six months.

12.2 The restrictions contained in paragraph 12.1 above do not apply to:-

- (a) A recommendation contained in a referral from Cabinet or any Committee to the Council.
- (b) A recommendation contained in a report presented individually or collectively by Chief Officers.

### 12.3 **Motion similar to one previously rejected**

A motion or amendment which means the same or largely the same as one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least fifteen Members. Once the motion or amendment is dealt with, no Member can propose a similar motion or amendment for six months.

## 13. **Voting**

### 13.1 **Simple majority**

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

### 13.2 **Chair's casting vote**

13.2.1 The Chair should exercise their casting vote with appropriate caution. A casting vote is only called upon when Members cannot reach a majority and due respect should be given to the lack of consensus. However, the Chair is ultimately entitled to exercise their vote as they consider appropriate.

13.2.2 In the case of the Chair refraining from exercising a second vote the motion or amendment being voted on will not be carried.

### 13.3 **Show of hands**

Unless a recorded vote is demanded under paragraph 13.4.1 below or required under paragraph 13.4.2 below of the Rules, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### 13.4 **Recorded vote**

13.4.1 If, before a vote is taken, a Member asks that the voting be recorded and the request is supported by ten other Members (who will show their support by a show of hands):-

- (a) The Officer advising the Chair at the meeting will call the name of each Member present at the meeting.
- (b) The Member will say whether they are for or against the motion or are abstaining; and
- (c) Each Member's response will be recorded in the minutes.

13.4.2 There will also be a recorded vote when required by law. This includes that a recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions relating to the approval of the budget or setting of council tax, whereby there shall be recorded in the minutes the names of the Members who cast a vote for the motion/amendment or against the motion/amendment or who abstained from voting. As this is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 2001, it cannot be suspended under Council Procedure Rule 19.1 below.

### 13.5 **Right to require individual vote to be recorded**

Where any Member so requires, immediately after a vote has been taken on any matter, the minutes must record whether that Member voted for or against or abstained.

### 13.6 **Voting on appointments**

13.6.1 If there are more than two people nominated for any position to be filled, a vote shall be taken. If there is not an overall majority of votes in favour of one person, then the name of the person (or persons) with the fewest votes will be taken off the list and a new vote taken. This shall be repeated until only one candidate remains with an overall majority.

13.6.2 If, in the scenario that there was a tie for the fewest number of votes, and removal of the candidates would mean only one candidate is left, then, the Chief Executive (or their representative) will draw lots between those with the fewest votes to determine which of the candidates with fewest votes will proceed to the next round;

13.6.3 Where more than one position is contested (for example, there are to be two Vice-Chairs of a Committee) each position will be voted on separately.

13.6.4 In the event of there being an equality of votes for the final two candidates, lots will be drawn by the Chief Executive (or their representative) to decide which person is elected.

## 14. **Minutes**

### 14.1 **Approval and signing**

(a) The Chair will sign the minutes of the proceedings, once they are confirmed as a correct record, at the next suitable meeting.

(b) In this regard, the Chair will seek a mover and seconder for the motion "*that the minutes of the meeting of the Council held on ..... be confirmed and signed as a correct record*".

(c) There will be no discussion on the minutes, except by way of a motion upon their accuracy.

### 14.2 **No requirement to sign minutes of previous meeting at extraordinary or special meeting**

The minutes of the preceding meeting of the Council will not be submitted to an Extraordinary or Special meeting of the Council for approval but will be submitted to the next ordinary meeting.

## 15. **Record of attendance**

15.1 The Democratic Services Officer present at the meeting shall record the names of those Members that are in attendance.

## 16. **Exclusion of public**

16.1 If a matter may fall within the list of exempt or confidential information set out in Section 100(A)(4) of the Local Government Act 1972, the

matter will not be discussed until the Council has decided whether the public should be excluded from the meeting.

- 16.2 Members of the public may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or paragraph 18 below (Disturbance by Public) of these Rules.

## **17. Members' conduct**

### **17.1 One member to speak at a time**

- (a) When speaking, a Member will stand at their place and address the Chair. If two or more Members indicate to speak at the same time, the Chair will call on one to speak; and
- (b) While a Member is speaking, all other Members will remain silent and seated unless asking to make a point of order or of personal explanation.

### **17.2 Respect for the chair**

Whenever the Chair rises during a debate the Member then standing and speaking will stop speaking and sit down and the Council will be silent.

### **17.3 Member not to be heard further**

- 17.3.1 If, at a meeting, any Member, in the opinion of the Chair, repeatedly ignores the Chair's ruling or behaves irregularly, improperly or offensively, or wilfully obstructs the business of the Council, the Chair or any other member may move "*That the member named be not further heard*" and the motion, if seconded, will be voted on without discussion.

### **17.4 Continuing misconduct of a named member**

- 17.4.1 If the Member named continues to behave improperly after a motion in accordance with paragraph 17.3 above is carried, the Chair will move a motion that either:-

- (a) The meeting be adjourned for however long the Chair states; or
  - (b) The Member named leave the meeting.
- If seconded, the motion will be voted on without discussion.

- 17.4.2 If, after a motion under paragraph 17.4.1 above of these Rules has been carried, the Member named does not leave the meeting, the Chair may order the removal of the Member and may adjourn the meeting without debate or resolution to enable removal to take place.

### **17.5 General disturbance**

In the event of general disturbance among the Members which, in the opinion of the Chair, makes it impossible to carry on the meeting, the Chair may stand and declare the meeting adjourned for however long as they state.



**17.6 Interpretation of rules - ruling of Chair not to be challenged**  
The decision of the Chair about the meaning or use of any of these Rules, or about any proceedings of the Council, is final and may not be challenged.

**17.7 Interests of members in matters under discussion**  
Members must observe the rules in the Members' Code of Conduct in Part 5 of this Constitution. Any Member declaring a disclosable pecuniary interest must leave the room where the meeting is being held for as long as the matter is being considered.

## **18. Disturbance by public**

**18.1 Removal of member of the public**  
If a member of the public interrupts the proceedings of any meeting, the Chair will warn the person concerned not to interrupt. If the interruption is repeated and the matter escalates such that the Chair has concerns for the safety of those present, the Chair will order the removal of that person from the meeting room. The Chair may without debate or resolution adjourn the meeting to allow removal to take place.

**18.2 Clearance of part of meeting room**  
In the case of general disturbance in any part of the meeting room open to the public, the Chair will give a warning and if the disturbance continues will order that part to be cleared, but may identify persons who may remain. The Chair may without debate or resolution adjourn the meeting to allow clearance to take place.

**18.3 No re-admittance for those removed**  
In the case of paragraphs 18.1 and 18.2 above, any member of the public removed from a meeting following a disturbance will not be re-admitted during the remainder of that meeting and the Chair will determine any actions arising from the disturbance.

## **19. Suspension and amendment of Council procedure rules**

**19.1 Suspension**  
All of these Council Rules of Procedure except Rules 13.4.2 and 14.1 above may be suspended by motion on notice (in accordance with paragraph 9.1 above of these Rules) or without notice under if at least one half of the whole number of Members of the Council are present. Suspension can only be for the whole or part of the meeting at which they are suspended.

**19.2 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 with a report and recommendation from the appropriate forum/Officer.

## **20. Custody of seal**

20.1 The Common Seal of the Council will be kept by the Director (HR, Governance and Regulatory).

## **21. Arms of the Council – use or reproduction**

21.1 Any application to use or reproduce the Arms granted to the Council will be referred to the Director (HR, Governance and Regulatory) in consultation with the Chair, and that Officer will refuse or grant permission, or refer the application to the Council for a decision.