

COUNCIL PROCEDURE RULES

[Drafting note: items in italics in square brackets are the Forest Heath/St Edmundsbury variations and the appropriate one will be inserted in each council's constitution. Items highlighted are those on which a view is sought. Items in red are changes proposed by the Joint Constitution Review Group on 4 March].

Introduction

1. Ordinary meetings of the Council will usually take place [*five/six*] times a year on a [*Tuesday/Wednesday*], commencing at [*7/6pm*].

Reference in Forest Heath's constitution to meetings standing adjourned at 9pm has been removed. There was no equivalent in the St Edmundsbury constitution. If a situation arises where the debate on a particular matter appears to be likely to continue for some time, there is provision at 11.11(c) below for that item to be adjourned to a future meeting.

Include the following provision (per existing FHDC constitution):

Meetings will commence at 6pm and at 9pm shall stand adjourned until the following day at 6pm whenever practicable unless the chairman is of the view that the meeting will conclude within 30 minutes thereafter and exercises his or her discretion to continue the meeting.

2. Meetings will usually take place at the Council's main offices but may take place at other venues with the agreement of the [*Chairman/Mayor*].

3. There are four types of Council Meetings, the Annual meeting, Ordinary meetings, Extraordinary Meetings and 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. 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.

**At present notice is given by the CEO for Forest Heath meetings. At St Edmundsbury it was the HLDS who signed the summons and pro tem the Acting Solicitor's name appears. It is proposed that CEO should do both.*

5. The Chief Executive is authorised to cancel a meeting where the agenda has already been issued if it considered expedient. Before exercising this authority, the Chief Executive will consult with the

[Chairman/Mayor] 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.

***A similar provision appears in FH's existing constitution. It is proposed to include this in the new one to permit webcasting or some other means of public access in future.**

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 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 *[Mayor and Deputy Mayor/Chairman and Vice Chairman]* are not present;
- (b) elect the *[Mayor/Chairman]* for the ensuing year;
- (c) receive any announcements from the *[Mayor/Chairman]*, including the appointment of the Mayor's Chaplain *[SEBC only]*;
- (d) receive any announcements from the officer advising the *[Mayor/Chairman]* including apologies for absence;
- (e) elect the *[Deputy Mayor/Vice Chairman]*;
- (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 he/she has chosen to be Members of the Cabinet;
- (h) determine the Council's committee structure and arrangements for outside bodies in accordance with 1.2 below;
- (i) appoint the Chairmen and Vice-Chairmen of the Overview and Scrutiny Committee and the Performance and Audit Scrutiny Committee; *
- (j) update the constitution if necessary in line with 1.2 below;
- (k) consider any other business set out in the notice convening the meeting.

***It is a member recommendation for the new constitutions that Chairs and VCs stay in post until the first meeting of the new civic year except where new ones are appointed at the Annual Meeting. The proposal is to align by having just the scrutiny chairs appointed at AM and leaving all others to be done by each committee.**

1.2 Selection of councillors on committees and outside bodies

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 and on any outside body for which a new appointment or re-appointment is required; and
- (e) appoint to those Committees and 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 [6/7p.m.] 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 [Chairman/Mayor].

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

[St Edmundsbury only: Mayor's chaplain to open the meeting with prayers]

- (a) to elect a person to preside if the [Mayor and Deputy Mayor/Chairman and Vice Chairman] 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 [Mayor's/Chairman's] announcements;
- (e) to receive any announcements from the officer advising the [Mayor/Chairman] (including apologies for absence);
- (f) declarations of interests
- (g) the Leader's report and questions thereon in accordance with rules 8.1 – 8.3 below;
- (h) to receive and answer questions from members of the public in accordance with rule 6 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);
- (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 and Performance and Audit Scrutiny Committee;
- (m) to receive reports about, and receive questions and answers on, the business of joint arrangements and external organisations;
- (n) questions to chairmen on the business transacted by their committees since the last ordinary meeting of Council;
- (o) to consider any motions under rule 9 in the order in which they are received;
- (p) to answer any questions received under the terms of rules 8.4 – 8.8

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

- (a) before or at a meeting, as the Mayor sees fit; or
- (b) by a resolution of the meeting passed on a motion under rule 9 or rule 10.1(c).

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 *[Mayor/Chairman]*;
- (c) the Monitoring Officer; and
- (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 *[Mayor/Chairman]* and he/she 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 *[Mayor and Deputy Mayor/Chairman and Vice Chairman]* are not present;
- (b) receive any declarations of interest;
- (c) (at extraordinary meetings only) receive and answer questions from members of the public in accordance with rule 6 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.

3.3 No other business will be dealt with at a special meeting or an extraordinary meeting of the Council.

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. If a substitute member cannot be found from the list of prescribed substitutes, a temporary substitute may be appointed by the *[Democratic Services Manager]* 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, as far as possible, 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.

5. QUORUM

5.1 If, at the start of a meeting or during a meeting of the Council there are not at least *[one quarter of the current number of members/15 members]* present, the *[Chairman/Mayor]* will adjourn the meeting.

5.2 Consideration of any business not dealt with will be adjourned to a date and time fixed by the *[Chairman/Mayor]* 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/Borough]* may put questions about the work of the Council 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 Written questions, detailing the full question to be asked, may be submitted by members of the public to the **[Democratic Services Manager]** no later than 10.00 am on the previous working day to the meeting of the Council.

Order of questions

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

Time limits

6.4 Each person may ask one question only. A total of five minutes will be allowed for the question to be put and answered. 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. 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 it cannot be answered by another member.

6.5 If no questions are received or all the questions are dealt with in less than 30 minutes, the Council will move immediately to the next business.

Scope of Questions

6.6 The **[Democratic Services Manager]**, in respect of any question notified before the meeting, or the **[Mayor/Chairman]**, in respect of any question notified at the meeting, may reject a question if it:-

- (a) is not about a matter for which the Council has a responsibility or which affects the **[District/Borough]**;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (d) requires the disclosure of confidential or exempt information.

Record of Questions and answers

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

Written Answers

6.8 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.

St Edmundsbury: The audio-only digital recording is retained **until the minutes of the meeting are approved.** Requests in relation to these recordings can be made under the Freedom of Information Act.

Forest Heath: The audio-visual recording is retained for **12 months after the minutes of the meeting are approved.** Requests in relation to these recordings can be made under the Freedom of Information Act. *[NB the existing protocol for recordings is to be revoked].*

NB the practice for retaining recordings is currently different at each council and views are sought about whether and how they should be aligned.

All recordings should be retained for 12 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

On the Leader's Statement

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 on the content of both his introductory remarks and the written statement itself. All questions will be answered immediately by the Leader or by the relevant Cabinet Member if the Leader refers any question to him or her, unless sufficient information to give an answer is not available. In these circumstances the member asking the question will receive a response in writing within five working days of 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 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.

****Note that this time limit could be extended at any meeting by a motion to suspend this rule – for example if a lot of people came to ask questions on an issue of great concern.***

Questions on notice at Council

8.4 Subject to paragraph 8.5 below, a member may submit in writing to the *[Democratic Services Manager]* a question on notice for:-

- (a) the *[Chairman/Mayor]*; or
- (b) the Leader or any member of the Cabinet; or
- (c) the Chairman 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.

At present FH limit the length of the question to 150 words. There is no such provision in the SE constitution. No limit is proposed, in the interests of flexibility, although this is an option if desired.

8.5 A Member may ask only one question on notice under 8.4 at each Council meeting and

- a) must submit it in writing to the *[Democratic Services Manager]* no later than noon seven working days before the meeting, not counting the day of the meeting; or
- 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 *[Democratic Services Manager]* by 11am on the day of the meeting.

This proposal means that normally the question will appear in the agenda, but gives flexibility for urgent cases.

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 oral 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; or
- (c) where the reply cannot conveniently be given orally 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 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.*

****Suggested time limit on which views are sought – ten minutes is consistent with the rules of debate which limits speeches to five minutes i.e. five minutes each for the question and answer***

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 [*Chairman/Mayor*] 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 8.4 above.

9. MOTIONS WHICH NEED WRITTEN NOTICE

9.1 Except for motions which can be moved without notice under section 10 of these Rules, written notice of every motion must be delivered to the **Democratic Services Manager** no later than noon seven working days before the meeting, not counting the day of the meeting. Motions must be about matters for which the Council has a responsibility or which affect the administrative area of the Council or part of it or the inhabitants of that area.

9.2 Each member may put one motion on notice at each Council meeting.

9.3 All motions on notice received under 9.1 will be set out in the agenda in the order in which they have been received.

9.4 A Member may withdraw a motion on notice at any time.

9.5 A motion on notice under 9.1 can be moved 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 9.1 above.

9.6 Any motion on notice under paragraph 9.1 of these Rules, on being moved and seconded, will usually, without discussion, be referred to the appropriate forum for consideration. The [*Chairman/Mayor*] may, if he/she considers it appropriate, allow the motion to be dealt with at the meeting at which it is moved and seconded provided that the motion, if carried, would not involve the Council in expenditure not included in the Council's approved revenue or capital budget.

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 Chairman 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 readmit the public and press in accordance with the Access to Information Rules;
- (q) to direct that a Member named under rule 17.3 be not further heard or to exclude them from the meeting under rule 17.4; and
- (r) to give the consent of the Council where its consent is required by this Constitution.

10.2 A motion by the [*Chairman/Mayor*] under paragraph 10.1(p) 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 [*Chairman/Mayor*] 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), 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.*

****These time limits already apply at SEBC and have not been found to hinder the debate. There is provision under rule 10.1(h) for the length of speeches to be extended with the agreement of the meeting.***

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 he/she last spoke);
- (d) 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);
- (e) in exercise of a right of reply in accordance with paragraph 14.9 of those rules;
- (f) on a point of order in accordance with 11.12 below; and
- (g) by way of personal explanation in accordance with 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 [*Chairman/Mayor*] will read out the amended motion before accepting any further amendments, or if there are none, before putting it to the vote.

11.7 Alteration of motion

A Member may, with the agreement of the [*Chairman/Mayor*], and without discussion:-

- (a) change a motion of which he/she has given notice under rule 9; or
- (b) with the agreement of his/her seconder, change a motion which he/she has moved;
- (c) but only alterations which could be made as an amendment in accordance with paragraph 11.6(a) 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 [*Chairman/Mayor*], 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; or
 - (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; and
- (e) that a Member be not further heard in accordance with paragraph 17.3.1 of these Rules; and
- (f) by the [*Chairman/Mayor*], in accordance with paragraph 17.4.1 of these Rules, that a named Member leave the meeting.

11.10.2 Any of the motions under paragraph 11.10.1 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 [*Chairman/Mayor*] thinks the item has been

sufficiently discussed, he/she will put the closure motion to the vote. If it is passed, the *[Chairman/Mayor]* 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 *[Chairman/Mayor]* thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she 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 *[Chairman/Mayor]* 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 he/she considers it has been broken.

11.12.3 The ruling of the *[Chairman/Mayor]* 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 *[Chairman/Mayor]* 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 *[Chairman/Mayor]* 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 *[seven/ten]* members. Once the motion is dealt with, no member can propose a similar motion for six months.

12.2 The restrictions contained in 15.1 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 *[seven/ten]* 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 [Chairman/Mayor's] casting vote

13.2.1 If there are equal numbers of votes for and against, the [Chairman/Mayor] may exercise a second or casting vote. There will be no restriction on how the [Chairman/Mayor] chooses to exercise a casting vote.

13.2.2 In the case of the [Chairman/Mayor] 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 of the Rules, the [Chairman/Mayor] will take the vote by show of hands,* or if there is no dissent, by the affirmation of the meeting.

***The Forest Heath rules currently permit the use of voting papers for appointments if a motion to that effect is passed. Views are sought on whether this system should apply at either or both councils.**

The Forest Heath rules on voting papers is below at Appendix 1 for members' information and consideration.

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 [four/five] other members (who will show their support by standing up):-

- (a) the officer advising the [Chairman/Mayor] at the meeting will call the name of each member present at the meeting;
- (b) the member will say whether he or she is for or against the motion or is 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.

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 and 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;

13.6.2 In the event that the removal of persons jointly having fewest of votes would result in only one candidate remaining, the above provision will not apply and the Chief Executive (or his/her representative) will draw lots 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-Chairmen of a committee) each position will be voted on separately; and

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 his/her representative) to decide which person is elected.

***See the note to 13.3 above. 13.6 will apply only if the voting paper system is not retained, or is retained but not used on any given occasion.**

14. MINUTES

14.1 Approval and signing

(a) The [Chairman/Mayor] 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 [Chairman/Mayor] 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 All Members present during the whole or part of a meeting will, before the conclusion of such meeting, sign their names on the Attendance Register provided.

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 (Disturbance by Public) of these Rules.

17. MEMBERS' CONDUCT

17.1 One member to speak at a time

(a) When speaking, a member will [sit/stand] at their place and address the [Chairman/Mayor]. If two or more members indicate to speak at the same time, the [Chairman/Mayor] will call on one to speak; and

(b) While a member is speaking, all other members will remain silent unless asking to make a point of order or of personal explanation.

17.2 Respect for the chair

Whenever the [*Chairman/Mayor*] 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 [*Chairman/Mayor*], repeatedly ignores the [*Chairman/Mayor's*] ruling or behaves irregularly, improperly or offensively, or wilfully obstructs the business of the Council, the [*Chairman/Mayor*] 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 is carried, the [*Chairman/Mayor*] will move a motion that either

- (a) the meeting be adjourned for however long the [*Chairman/Mayor*] 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 of these rules has been carried, the member named does not leave the meeting, the [*Chairman/Mayor*] 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 [*Chairman/Mayor*], makes it impossible to carry on the meeting, the [*Chairman/Mayor*] may move a motion which will be voted on without seconding or discussion, to adjourn the meeting for however long the [*Chairman/Mayor*] states.

17.6 Interpretation of rules - ruling of [*Chairman/Mayor*] not to be challenged

The decision of the [*Chairman/Mayor*] 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 [Chairman/Mayor] will warn the person concerned not to interrupt. If the interruption is repeated, the [Chairman/Mayor] will order the removal of that person from the meeting room. The [Chairman/Mayor] 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 [Chairman/Mayor] will give a warning and if the disturbance continues will order that part to be cleared, but may identify persons who may remain. The [Chairman/Mayor] 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.

19. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

19.1 Suspension

All of these Council Rules of Procedure except Rule 13.4 and 14.2 may be suspended by motion on notice (in accordance with paragraph 9.1 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, 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. "THEMED" DEBATES *~~

~~20.1 Calling of debate~~

~~The Leader may call a themed debate on a date and in a form to be agreed with the [Chairman/Mayor].~~

~~20.2 Form of debate~~

~~The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the debate.~~

~~20.3 Chairing of debate~~

~~The debate will be chaired by the [Chairman/Mayor].~~

~~20.4 Results of debate~~

~~The results of the debate will be:—~~

~~(a) disseminated as widely as possible within the community and to agencies and organisations in the area; and
(b) considered by the Leader in proposing the budget and policy framework to the Council for the coming year.~~

~~20.5 Time allowed for debate~~

~~The [Chairman/Mayor] may limit the time allocated to the debate and the length of individual speeches in consultation with the Leader.~~

****The provision for themed debates appears in the current SEBC constitution, which was based on a national model in 2002. Officers are not aware that it has ever been used, but views are sought on whether to retain it as something that may be useful in future.***

21. CUSTODY OF SEAL

21.1 The Common Seal of the Council will be kept by the Head of HR, Legal and Democratic Services.

20. ARMS OF THE COUNCIL – USE OR REPRODUCTION

29.1 Any application to use or reproduce the Arms granted to the Council will be referred to the Head of HR, Legal and Democratic Services, in consultation with the [Chairman/Mayor], and that officer will refuse or grant permission, or refer the application to the Council for a decision.

Appendix 1

What follows is the current provision in the FHDC constitution for secret ballots when voting on certain appointments. Members' views are sought on whether this should be replaced by a show of hands in all cases, retained at FHDC, or retained at FHDC and introduced at SEBC.

17.4 In circumstances only, where the Council, Cabinet or a Committee/Sub-Committee/Working Group is:

17.4.1 appointing one or more Members to some other office;

17.4.2 appointing one or more Members to be its representative(s) on a joint board or any other body or organisation; or

17.4.3 appointing an officer;

voting may be by voting paper if a motion to that effect is passed, having been proposed and seconded by any Members (other than the person presiding at the meeting) and voted upon immediately without discussion.

17.5 Where the vote is to be by voting paper the following procedure shall apply:

17.5.1 Plain voting papers shall be distributed to every Member present at the meeting;

17.5.2 Each Member wishing to vote shall write on his voting paper the name of one or more of the candidates in accordance with Rules 17.7.1 to 17.7.2 (as the case may be);

17.5.3 The voting papers shall then be collected from each Member by officers of the Council present at the meeting and delivered to the Chief Executive (or other Officer who is advising the Chairman upon the conduct of the meeting);

17.5.4 The Chief Executive (or other Officer as the case may be) shall then count the voting papers in the presence of the Council and declare the number of votes cast for each candidate.

17.6 Where vote is by voting paper and there are only two candidates, each Member present at the meeting shall vote for one candidate only and the candidate securing the greatest number of votes (including, if necessary, in the case of a Committee meeting, the casting vote of the Chairman of the Committee) shall be declared and appointed to the office.

17.7 Where the vote is by voting paper and there are more than two candidates the following procedure shall apply:

17.7.1 for the first ballot each Member shall be entitled to vote for more than one candidate but to a maximum of one less than the number of candidates offering themselves for election (e.g. if there are five candidates a Member may register or vote for each separate candidate up to a maximum of four; if there are three candidates one vote may be registered for each separate candidate up to a maximum of two and so on); and the candidate receiving the lowest number of votes shall be eliminated;

17.7.2 The process shall be repeated for as many ballots as necessary until there are only two candidates and at that stage, the procedure described in Rule 17.5 shall apply.

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17.8 All voting papers shall be destroyed by the Chief Executive (or other Officer as the case may be) as soon as practical after the meeting at which they have been used.

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