

# **Part 4**

## **Rules of Procedure**

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# **Section 1**

## **Council Procedure Rules**

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# **1 Annual Meeting of the Council**

## **1.1 Timing**

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 March, April or May.

## **1.2 Business**

The annual meeting will:

- (a) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (b) elect the Mayor;
- (c) elect the Deputy Mayor;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Mayor.
- (f) at the first meeting after the ordinary election of Councillors, elect the Leader of the Council

## **1.3 Alternative Arrangements**

Alternative procedural arrangements will be made in order to accommodate a situation where a Member has a particular religious belief.

# **2 First Ordinary Meeting of the Council**

## **2.1 Timing**

The first ordinary meeting of the Council shall take place on a date approved by the Council within seven days of the Annual Meeting.

## **2.2 Business**

- (i) The first ordinary meeting of the Council will:-
- (ii) receive the Leader's appointments to the Cabinet and appointment of a Deputy Leader of the Council from amongst the members of the Cabinet;
- (iii) decide which committees to establish for the municipal year which must include at least one Scrutiny Committee;

- (iv) decide the size and terms of reference for those Committees;
- (v) decide the allocation of seats to political groups in accordance with the political balance rules;
- (vi) receive nominations of Councillors to serve on each Committee and outside body;
- (vii) 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 Executive and
- (viii) appoint the Chairmen of those Committees.

### **3 Ordinary Meetings**

#### **3.1 Timing**

Ordinary meetings of the Council will take place in accordance with a programme decided by the Council.

#### **3.2 Business**

Ordinary meetings of the Council will:

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any announcements from the Mayor, Leader, or the Chief Executive;
- (iv) Declarations of Interest on matters on the Agenda;
- (v) hold a public question time;
- (vi) hold a Councillor Session;
- (vii) deal with any business from the last Council meeting;
- (viii) receive reports from the Executive and the Council's Committees including consideration of proposals from the Executive in relation to the Council's budget and policy framework and matters referred from the Scrutiny Committees for scrutiny by the Council;
- (ix) receive reports from the Officers of the Council;
- (x) consider motions of which notice has been given;
- (xi) consider any other business specified in the summons to the meeting.

## **4 Extraordinary Meetings**

### **4.1 Calling Extraordinary Meetings**

- (a) The Mayor may call an Extraordinary Council Meeting at any time.
- (b) The Mayor will call an extraordinary meeting of the Council if requested to so do by;
  - (i) a resolution of the Council;
  - (ii) the Chief Executive;
  - (iii) the Monitoring Officer;
  - (iv) the Chief Financial Officer
- (c) If the Mayor refuses to call an extraordinary meeting after a requisition for that purpose signed by five Members of the Council has been presented to them or, if without refusing the Mayor does not call a meeting within seven days of the presentation of the requisition any five Members of the Council may call an extraordinary meeting of the Council forthwith.

### **4.2 Business**

An Extraordinary Meeting may conduct any business that may be conducted at an Ordinary Meeting except items 3.2 (iv), (v)

## **5 Appointment of Committees**

### **5.1 Term of office**

- (a) No Member may be appointed to serve as a Committee Member later than the next annual meeting of the Council following the ordinary election of Councillors.
- (b) Subject to (a) and Rule 5.2 Members will normally be appointed as Committee Members for the period until the First Ordinary Council Meeting after the next Annual Council meeting following their appointment.

### **5.2 Planning Committee**

Members of any Committee established to determine planning applications under the Town and Country Planning Acts shall, subject to rule 5.3, be appointed so far as possible in accordance with the following rules;

- (a) No Member shall serve more than four consecutive years on the Committee,

- (b) No Member who has served on the Committee continuously for more than one year shall be reappointed to membership of the Committee for one year following the end of that period of service.

When there is a change to an appointment on such a Committee under Rule 5.4 or a casual vacancy is to be filled the new Member appointed to the Committee shall serve for the remainder of the term of service of the Member replaced but if the remainder of the term of service is less than 2 years rule (d) above shall not apply to the new Member at the end of the term of service.

### **5.3 Political balance**

At the first ordinary meeting after the annual meeting and at any other time as required by Section 15 of the Local Government and housing Act 1989 the Council shall, if the Council is divided into different political groups, allocate the seats on the committees to the political groups so as to give effect to the provisions of Section 15 of the 1989 Act and appoint those Members nominated by the each political group to those seats allocated to that group.

### **5.4 Changes to appointments**

If a seat on a Committee has been allocated under rule 5.3 to a political group, the group may by notice in writing to the Head of Law and Governance, signed by the secretary to the group, nominate a Member of the group to be appointed to the Committee in place of the serving Member or to fill a vacancy in that seat. The Head of Law and Governance is authorised to accept the nomination and make the appointment so requested. The appointment shall take effect seven days after receipt of the written request by the Head of Law and Governance.

### **5.5 Training**

- (a) No member may sit on any regulatory committee, the Audit and Accounts Committee or the Standards Committee unless they have undertaken, annually, the compulsory training made available to Members.
- (b) For the purpose of this rule "compulsory training" means training which has been specifically designed by the principal officer for that service, in consultation with the Chairman of the Committee, to equip members with an understanding of the responsibilities of a quasi judicial committee.

## **5.6 Substitution**

- (a) The Leader or Secretary of a Political Group may substitute any member of the Group for any other member of the Group on any Committee of the Council other than Planning Committee and Public Appeals Committee by notifying the Head of Law and Governance by 5.00pm on the working day before the day of a meeting to be held before 4.30pm or 12 noon on the day of a meeting to be held at or after 4.30pm. Any such substitute Member shall be a Member of the Committee for the duration of the meeting in respect of which the notification was given and any subsequent meeting convened by resolution of that meeting for the purpose only of determining a matter or matters deferred from that meeting. Substitute Members shall not be Members of the Committee for any purpose other than attendance and voting at the meeting.
- (b) A Political Group to which seats have been allocated on Planning Committee may nominate substitute members in accordance with rule 5.6(a). However, a member may not be nominated under this rule if they could not be a member of the Committee by reason of rules 5.2 and 5.5.

## **5.7 Chairman of the Audit and Accounts Committee**

The Chairman of the Audit and Accounts Committee shall, where the Council is divided into political groups, be a member who is not a member of a group that has a member on the Council's Executive. Where all political groups have a member on the Council's Executive, the Chairman of the Audit and Accounts Committee shall, if possible, not be a member of the same group as the Leader of the Council or the Cabinet Member with responsibility for the management of the Council's finances.

## **5.8 Chairmen of Scrutiny Committees**

The Chairman of a Scrutiny Committee shall, where the Council is divided into political groups so far as possible be appointed according to the following principles:

- (a) where the Executive comprises Members of one or more groups the combined membership of which comprise less than 27 members of the Council the Chairmanships of the Scrutiny Committees shall be allocated to the groups not having members on the Executive in proportion to the number of Members in those groups;
- (b) where the Executive comprises Members of one or more groups the combined membership of which comprise 27 or more Members of the Council the Chairmanships of the Scrutiny Committees shall be allocated to the groups in proportion to the number of Members in the groups;

- (c) the Chairman of a Scrutiny Committee shall not be a member of the same political group as the Cabinet Member whose portfolio corresponds wholly or mainly with the terms of reference of the Scrutiny Committee;

(NB - It will not be possible to comply with this rule in all circumstances where rule (b) applies)

for the purpose of rules 5.8(a)-(c) only, any Members of the Council who are not members of a political group shall be deemed collectively to be a political group.

## **5.9 Non-attendance**

If a Committee Member fails without good reason to attend three consecutive ordinary meetings of the Committee the Head of Law and Governance must report the failure to the next meeting of the Council which may resolve that they are no longer to be a member of that Committee.

## **5.10 Visiting Members**

- (a) Any Member of the Council may attend meetings of any Committee, of which they are not a member, provided that they have informed the Head of Law and Governance or the Chairman of their wish to attend and identified the item(s) they are interested in before the start of the meeting and may, if permitted by the Chairman, speak on that or those items.
- (b) If an item on the agenda relates to a matter that affects the visiting Members ward to a significantly greater extent than other wards the Chairman will allow the Member to speak on that item.
- (c) Visiting Members cannot vote at meetings.
- (d) Where a ward member has the right to attend and be heard at a Committee but is unable to attend or has a prejudicial interest they may, if no other member for the ward is able to attend and speak, nominate another member of the Council to speak on their behalf by notifying the Head of Law and Governance by 5.00 pm on the working day before the day of a meeting to be held before 5.00 pm or 12 noon on the day of a meeting to be held at or after 4.30 pm.

## **6 Time and Place of Meetings**

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

## **7 Notice of and Summons to Meetings**

The Chief Executive 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 working days before a meeting, the Chief Executive will send a summons signed by them to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **8 Person Presiding at the Meeting**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee and Sub-Committee meetings, references to the Mayor also include the Chairman of Committees and Sub-Committees.

## **9 Quorum**

The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

## **10 Duration of Meeting**

### **10.1 Time limit**

If the business of the meeting has not been concluded three hours after the start of the meeting, the Mayor will indicate that time has expired and the Member speaking must immediately sit down. The Mayor will adjourn the meeting immediately unless a motion to continue the meeting is moved and seconded.

### **10.2 Motion to continue**

A motion to continue the meeting will be voted on without discussion. If the motion is passed the meeting will continue for a further thirty minutes and the procedure in rule 10.1 will be repeated. If a second motion to continue the meeting is passed the meeting will continue for a further thirty minutes at the end of which the Mayor must adjourn the meeting and no further motion to adjourn the meeting may be moved.

### **10.3 Business not dealt with**

If, when the meeting is adjourned, there is business on the agenda that has not been dealt with it will be deferred for consideration at the next meeting of the Council. An extraordinary meeting of the Council will be called within 20 working days for the purpose of considering the remaining business if five Members demand it immediately following the adjournment.

## **11 Public Question Time**

### **11.1 General**

Members of the public who are registered electors in the Borough, may ask questions of the Leader or any Member of the Cabinet at ordinary meetings of the Council.

### **11.2 Order of questions**

Questions will be asked in the order received, except that the Mayor may group together similar questions.

### **11.3 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 Head of Law and Governance no later than 5.00pm seven clear working days before the day of the meeting. Each question must give the name and address of the questioner and must identify the Member of the Council to whom it is to be put.

## **11.4 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.

## **11.5 Scope of Questions**

The Head of Law and Governance may reject a question if it:

is not about a matter for which the local authority has a responsibility or which affects the borough;

is not a matter for which the identified Member has responsibility;

is defamatory or offensive;

is substantially the same as a question which has been put at a meeting of the Council in the past six months or

requires the disclosure of confidential or exempt information.

## **11.6 Record of Questions**

The Head of Law and Governance will record the receipt of each question and will immediately send a copy of the question to the Member to whom it is to be put unless the question has been rejected.

## **11.7 Asking the Question at the Meeting**

The Mayor will invite the questioner to put the question to the Member named in the notice.

The question may only be put by:-

- (a) the person who gave notice or,
- (b) if the person who gave notice has difficulty in putting the question, by a person nominated by them in the notice, provided that the person who gave the notice and the nominated person are present at the meeting.

## **11.8 Answers**

The person to whom the question is asked may answer orally, may undertake to provide a written answer within seven days or may decline to answer. In the absence of that person the Leader or another Member of the Cabinet may answer the question.

## **11.9 Clarification**

The questioner may ask one supplementary question only for the purpose of seeking clarification of the answer to the initial question. Rule 11.8 shall apply to the supplementary question.

## **11.10 No Debate**

Other than as provided for by Rule 11.9, the questioner may not respond or put any additional or supplementary questions and there shall be no discussion of the question or the reply.

## **11.11 Time Limit**

No further questions shall be asked after fifteen minutes from the start of Question Time. The person to whom it is addressed will answer any question not reached in writing.

# **12 Councillor Session**

## **12.1 Councillor Session**

At each ordinary meeting of the Council, there shall be a session, (the "Councillor Session") during which items submitted by Members in accordance with the following rules will be considered.

## **12.2 Notice**

Any Member may give written notice to the Head of Law and Governance no later than 5.00 pm seven clear working days before an ordinary meeting of the Council that they wish to raise an item during the Council Session at that meeting.

## **12.3 Form of Item**

The item may only take the form of either:

- (a) a question to the Leader or a Member of the Cabinet, or
- (b) an item for consideration.

The Head of Law and Governance may edit items to achieve proper form and brevity or to delete any defamatory, derogatory or otherwise unsuitable material. The Head of Law and Governance may refuse to accept any items that are defamatory, derogatory or otherwise unsuitable.

## **12.4 Questions**

Any question submitted under rule 12.3(a) shall only be read by the Member submitting it and shall be answered by the person to whom it is addressed. Immediately following the answer the member who submitted the question may ask a supplementary question and then any Member of the Council may ask a supplementary question. Supplementary questions may be on any matter arising out of the original question or the answer. The addressee may answer the original or any supplementary question orally, offer a written answer or decline to answer. No further supplementary questions may be asked after the expiry of 10 minutes following the original answer.

## **12.5 Items for Consideration**

An item for consideration under rule 12.3(b) shall be a matter on which the Member submitting the item wishes the Council to have a discussion. The item may contain an indication that the Member intends to move a motion. On a matter that is an Executive function the motion may only be to refer the matter to the Executive for consideration. On a matter that relates to Council policy or the budget the motion may only be to call for the Executive to bring forward a proposal to the Council. On any matter that is a Council function the motion may be for the Council to take any action that the Council may lawfully take.

## **12.6 Time Limit on Items for Consideration**

On consideration of an item under rule 12.3(b) the discussion shall be limited to 10 minutes duration, at the conclusion of which the discussion shall end and no vote shall be taken on any motion put during the discussion but any Member may put one of the following motions which, if seconded, shall be voted on without discussion;

- (a) that it being convenient and conducive to the conduct of business, the matter be considered further at this meeting;
- (b) that the matter be referred to the next meeting of the Council;
- (c) that the appropriate officer report on the matter to the next meeting of the Council

If a motion under rule 12.6(a) is carried the matter may be debated at that meeting under the normal rules of debate. If a motion under rule 12.6(b) is carried the matter may be debated at the next meeting under the normal rules of debate.

## **12.7 Order of Items**

Items submitted under this rule shall be taken in the order in which the Head of Law and Governance receives them.

## **12.8 Petitions**

- (a) At a meeting of the Council or the Cabinet any member of the Council may present a petition to the Leader or the appropriate member of the Cabinet. The petition must be signed by at least 10 residents of the Borough, other than members of the council, (to assist with the verification of their status as residents, petitioners must print their name and address). The member presenting the petition shall satisfy themselves that the petition complies with this rule.
- (b) A petition may be on any matter related to the Council's functions except an application for any licence, permission or certificate to be considered under the Council's regulatory functions.
- (c) A member wishing to present a petition shall give notice of their intention to do so to the Head of Law and Governance or the person presiding at the meeting before the start of the meeting at which they wish to present it.
- (d) On presentation of a petition the member may read out or summarise the prayer of the petition, indicate the number and description of the signatories but may not otherwise speak.
- (e) A petition properly presented under this rule shall be reported to the Cabinet for consideration.

## **12.9 Reports or Recommendations from a Scrutiny Committee**

Where a notice has been given, under rule 11(a) of the Scrutiny Committee Procedure Rules, the Council shall consider the report or recommendation of the Scrutiny Committee and consider its response.

## **13 Motions on Notice**

### **13.1 Notice**

Except for motions which can be moved without notice under Rule 14, written notice of every motion, signed by at least two Members, must be delivered to Head of Law and Governance not later than seven clear working days before 5.00 pm of the date of the meeting. The Head of Law and Governance will keep a record of notices received.

### **13.2 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 they propose to move it to a later meeting or withdraw it.

### **13.3 Scope**

Every motion must be relevant to the Council's functions, or a matter that affects the Borough, or part of it, or the inhabitants of the Borough, or some of them. On a matter that is an Executive function the motion may only be to refer the matter to the Executive for consideration. On a matter that relates to Council policy or the budget the motion may only be to call for the Executive to bring forward a proposal to the Council. On any matter that is a Council function the motion may be for the Council to take any action that the Council may lawfully take.

### **13.4 Moving**

A motion may only be moved by a Member who signed the notice and if not so moved will lapse.

### **13.5 Motions having financial impact**

Motions containing proposals which would:-

- (a) Increase the capital and/or revenue expenditure of the Council and/or,
- (b) Reduce the income of the Council, must first be referred to the Cabinet by the Chief Executive prior to consideration by Council.

## **14 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) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or recommendations of the Executive, 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) that the question be now put;

- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) motions under Rule 12.5 and 12.6;
- (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 21.3 or to exclude them from the meeting under Rule 21.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

On moving a motion to which this paragraph applies a member must, before the motion is debated, deliver to the Mayor the text of the motion in writing at the end of the speech. The Mayor or an officer at the request of the Mayor may read the text of the motion to the meeting if so requested by any member at any time during the debate and will read the text of the motion to the meeting immediately prior to the vote being taken. This paragraph applies to motions under Rule 14(f) unless the motion is to accept the recommendation set out in the report without amendment, (h) and (m).

## **15 Rules of Debate**

### **15.1 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.

### **15.2 Right to require motion in writing**

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to them before it is discussed.

### **15.3 Secunder's speech**

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

### **15.4 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 may exceed 5 minutes without the consent of the Mayor.

## **15.5 When a Member may speak again**

A Member who has spoken on a motion may speak again whilst it is the subject of debate:

- (a) once only for a maximum of two minutes on a point arising out of a speech of another Member made since their previous speech,
- (b) to speak once on an amendment moved by another Member;
- (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;
- (f) on a point of order; and
- (g) by way of personal explanation.
- (h) "If during a debate a member is asked through the Mayor by another member to provide factual information to inform the debate the member may respond and, provided that the response is confined to giving the information requested without further comment, the response will not count as a speech.

## **15.6 Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and 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 Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### **15.7 Alteration of motion**

- (a) A Member may alter a motion which they have moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (b) Only alterations which could be made as an amendment may be made.

### **15.8 Withdrawal of motion**

A Member may withdraw a motion which they have 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.

### **15.9 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 immediately before the mover of the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has the right of reply to the debate on their amendment.

### **15.10 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) that the question be now put;
- (e) to adjourn the debate;

- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a Member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

## **15.11 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 Mayor thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the closure motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, they will put the closure motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting their original motion to the vote.
- (d) Rules (b) and (c) above apply to motions during a debate on an amendment with the substitution of “amendment” for “original motion”. The debate on the original motion will continue if the debate on an amendment is ended by a closure motion.
- (e) If a motion to adjourn the debate on an item is seconded and the Mayor thinks that 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. If the motion is passed the item will stand adjourned to the next ordinary meeting of the Council. If it is moved and seconded immediately after the motion is passed that an extraordinary meeting be called to deal with that item the Mayor will put the motion to the vote without discussion and if it is passed an extraordinary meeting of the Council will be called as soon as reasonably convenient.

- (f) If a motion to adjourn the meeting is seconded and the Mayor thinks that the remaining business of the meeting cannot reasonably be concluded on that occasion, they will put the closure motion to the vote without further discussion. If the motion is passed the remaining business will stand adjourned to the next ordinary meeting of the Council. If it is moved and seconded immediately after the motion is passed that an extraordinary meeting be called to deal with the remaining business the Mayor will put the motion to the vote without discussion and if it is passed an extraordinary meeting of the Council will be called as soon as reasonably convenient.

## **15.12 Point of order**

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the matter will be final.

## **15.13 Personal explanation**

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

# **16 Previous Decisions and Motions**

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

A motion 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 twelve Members, unless the motion is to approve a recommendation to rescind such a decision made by the Executive or a Committee of the Council.

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

A motion or amendment in similar terms to 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 twelve Members, unless the motion is to approve a recommendation made by the Executive or a Committee of the Council.

## **17 Voting**

### **17.1 Majority**

Unless this Constitution or the law 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.

### **17.2 Mayor's casting vote**

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

### **17.3 Show of hands**

Unless a recorded vote is required under Rules 17.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **17.4 Recorded vote**

In the circumstances set out in (a) or (b) below the names of those members who vote for or against a motion or amendment or who abstain from voting will be taken down and recorded in the minutes of the meeting.

- (a) If any 8 members present at the meeting demand a recorded vote
- (b) Immediately after any vote is taken at a budget decision meeting of the Council.
- (c) In paragraph 17.4(b) "budget decision meeting" means a meeting of the Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992(3) and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting "vote" means a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

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

*This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.*

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

## **17.6 Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## **18 Minutes**

### **18.1 Signing the minutes**

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

### **18.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

Where, in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under the 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.

### **18.3 Form of minutes**

Minutes will contain all motions and amendments put to the meeting in the exact form and order the Mayor put them and a statement of whether they were carried or lost.

## **19 Record of Attendances**

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.

## **20 Exclusion of Public**

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 22 (Disturbance by Public).

## **20a Members Pecuniary Interests**

A member who has a pecuniary interest, as defined in the Code of Conduct for Members, or a disclosable pecuniary interest, as defined in regulations made for that purpose under the Localism Act 2011, in a matter under consideration shall, in addition to complying with the requirements of the Code of Conduct for Members and the provisions of the Localism Act, leave the room where the matter is being considered while any discussion and/or voting takes place unless paragraph 8.3 of the Code of Conduct applies.

## **21 Members' Conduct**

### **21.1 Standing to speak**

When Members speak at a Council meeting they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others 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.

### **21.2 Mayor standing**

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

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

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

### **21.4 Member to leave the meeting**

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

### **21.5 General disturbance**

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as they think necessary.

## **22 Disturbance by Public**

### **22.1 Removal of member of the public**

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

### **22.2 Clearance of part of meeting room**

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

## **23 Recording of Meetings**

23.1 Where practicable, all meetings will be recorded and the audio recordings will be made available through the Council's website. Copies of the recordings will be made available upon request to the Head of Law and Governance on payment of a reasonable fee to cover the cost of the reproduction.

## **24 Application of Rules to the Executive, Scrutiny and Other Committees**

24.1 Rules 17.1, 17.2, 17.5, 17.6, 18.1, 18.2, 19, 20, 21.3, 21.4, 21.5, 22 and 23 will apply to meetings of the Executive, the Scrutiny Committees, Regulatory Committees and any other Committees of the Council as they apply to the Council with the substitution of "the Person Presiding" for "the Mayor".

24.2 Rule 18.3 will apply to meetings of the Scrutiny Committees as it applies to the Council with the substitution of "the Person Presiding" for "the Mayor".

24.3 Rule 18.3 will apply to meetings of the Executive, Regulatory Committees and any other Committees of the Council except Scrutiny Committees as it applies to the Council with the substitution of "carried at" for "put to" and "the Person Presiding" for "the Mayor" and the deletion of the words "and a statement of whether they were carried or lost".