

Part 4 – Council Procedure Rules

COUNCIL PROCEDURE RULES

1. GENERAL PROVISIONS AND INTERPRETATION

For the purpose of this Constitution, Rules and any Scheme of Delegation:-

- 1.1 Any reference to any legislation shall be deemed to include a reference to any statute incorporated therewith or any statutory instrument or Byelaws made thereunder and any enactment repealing, amending or extending the provisions thereof.
- 1.2 The power to appoint employees shall include (inter alia) the powers to dismiss, to discipline, to promote, to transfer, or to exercise any other personnel function.
- 1.3 Any references to “Shropshire” shall be deemed to be restricted to that area outside the Telford and Wrekin Council save where the context otherwise requires.
- 1.4 Any reference in this Constitution or in any relevant legislation (whether primary or secondary) to the “Head of Paid Service” shall (except where the content otherwise requires) mean the Chief Executive.
- 1.5 “The Proper Officer” shall refer generally to the Chief Executive or any other person that he/she nominates. Each Director, statutory officer or any other person so nominated within the Scheme of Delegations in Part 8 of this Constitution shall also be the “Proper Officer” for the purposes of the legislation relating to their service areas.
- 1.6 “Leader” and “Member of the Cabinet” shall have the meanings given to “Senior Executive Member” and “Member of the Executive” by section 9E and Schedule A1 of the Local Government Act 2000.
- 1.7 “E-mail” shall mean any communication by means of computer.
- 1.8 “Written notice” shall include a communication by computer.
- 1.9 “Agenda papers” shall include the agenda and any papers supplied in association with the agenda.
- 1.10 For the purposes of any proceedings brought before a court or tribunal, any provision in this Constitution or in any Scheme of Delegations requiring prior consultation with any Member or officer of the Council shall be deemed to have been complied with.
- 1.11 The term ‘Decisions List’ means a list of decisions of Cabinet, Portfolio Holders or Committees (other than Regulatory Committees) and those key decisions taken by officers under delegated powers and which is kept available for public inspection by the Monitoring Officer.

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- 1.12 'Call in' means a request by a member of Council that a decision which has been published on the Decisions List be referred to a Scrutiny Committee for further consideration.
- 1.13 'Group Call in' means a request by a Group Leader (or a person authorised by them) to call in on behalf of all members of the Group a decision which has been published on the Decisions List and such a request shall be treated as if individual call in requests had been received from each and every member of that Group, a minimum of 12 members shall still apply.
- 1.14 The term "Clear Working Days" shall exclude the day on which the notice is received and Saturdays, Sundays or other days when the Council's offices are closed, and the day of the meeting itself.
- 1.15 The business of the Council (at whatever level it is conducted) shall be subject to any relevant statutory provisions and principles of common law whether or not they are set out or referred to in this Constitution or any Scheme of Delegations.
- 1.16 Except where the context otherwise requires, the term 'Committee' throughout this Constitution shall include any committee, panel, forum or ad hoc committee but shall not include informal working parties, site visits or other meetings which would not constitute a committee or sub-committee within the meaning of the Local Government Acts 1972 and 2000.

2. ANNUAL MEETING OF THE COUNCIL

Timing of the Annual Meeting

- 2.1 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.

2.2 Business at the Annual Meeting

The Business at the Annual Meeting will be to:-

- (i) elect a person to preside if the Speaker or Chairman is not present;
- (ii) elect the Speaker, such person to continue in office until immediately before the election of the Speaker at the next annual meeting unless he/she resigns (NB The Speaker shall be eligible for re-election)
- (iii) elect the Chairman of Council, such person to continue in office until immediately after the election of the Speaker at the next annual meeting unless he/she resigns. (NB The Chairman shall be eligible for re-election);
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Chairman and/or Head of the Paid Service;

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- (vi) elect the Leader (NB The Leader will be a Councillor elected for a term of four years to the position of Leader by the Council. See Part 2 - Article 7 - 7.3 Leader and Deputy Leader);
- (vii) appoint at least one Overview and Scrutiny Committee (the Council may decide that Overview and Scrutiny Committees should not be politically balanced, but this can only be adopted where no Member present votes against), a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in Part 3 of this Constitution);
- (viii) approve a programme of ordinary meetings of the Council for the year; and
- (ix) consider any business set out in the notice convening the meeting.

N.B For the purposes of Section 4 of the Local Government Act 1972 the Speaker is the Chairman of the Council and for the purposes of Section 5 of the Local Government Act 1972 the Chairman is the Vice-Chairman of the Council.

2.3 Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council will:

- (i) without prejudice to the powers of the Council to vary the Committee structure and Delegations, appoint the Committees or Panels with the powers referred to in Part 3 'Council Functions'.
- (ii) decide the size and terms of reference for those Committees;
- (iii) receive nominations of councillors to serve on each Committee and outside body; and
- (iv) appoint Councillors 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.
- (v) The Leader of the Council will approve appointments to outside bodies in the period between Annual Meetings of the Council regardless of how they occur and shall inform the Chief Executive accordingly. All Group Leaders will be informed of such appointments by email.

2.4 Appeal Panels

The Chief Executive shall from time to time establish such Appeal Panels as may be required, to be constituted as the Chief Executive shall determine subject only to any legal requirements attaching thereto. Membership of such Panels shall not be subject to political balance.

2.5 Compliance with the Political Balance Rules

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- (i) When appointing Committees (other than Area Planning Committees, which will reflect the political balance of the local area itself, or Appeal Lists Panels), the Council shall determine the overall number of seats on each Committee or List and allocate numbers of seats to political groups and to independent members in accordance with the Local Government and Housing Act 1989 and shall keep the same under review in accordance with that Act.
- (ii) A political group may by notice to the Chief Executive require a change in the appointment of a Member or substitute Member to a seat allocated to that political group with immediate effect. The change will then be reported at the next Council meeting.

3. ORDINARY MEETINGS

3.1 Timing of Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting, and subject thereto as fixed by the Speaker.

3.2 Business at Ordinary Meetings

The Business at Ordinary Meetings will be to:-

- (i) elect a person to preside if the Speaker or Chairman are not present;
- (ii) deal with any business required by statute to be done before any other business of the Council;
- (iii) approve the minutes of the last meeting;
- (iv) receive any declarations of interest from Members;
- (v) receive any announcements from the Speaker, the Chairman, Leader or Head of Paid Service;
- (vi) receive questions and statements from, and, in respect of questions, provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (vii) receive questions from Members
- (viii) receive petitions from the public in relation to matters which in the opinion of the Speaker are relevant to the Council's functions;
- (ix) deal with any business expressly required by statute to be done;
- (x) deal with any business left outstanding from the last Council meeting;

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- (xi) receive reports from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;
- (xii) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework and reports of the Overview and Scrutiny Committees for debate;
- (xiii) deal with reports in relation to reviewing the functions of the Cabinet and Scrutiny in accordance with the protocol set out in Part 5.
- (xiv) consider motions;
- (xv) receive reports about, and for questions and answers on the business of joint arrangements and external organisations, and in particular the West Mercia Police Authority or the Shropshire and Wrekin Fire Authority.

4. EXTRAORDINARY MEETINGS

4.1 Calling Extraordinary Meetings

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

- (i) the Council by resolution;
- (ii) the Speaker of the Council (or the Chairman if the office of Speaker is vacant, or the Speaker is not available); or
- (iii) the Monitoring Officer; or
- (iv) Subject to the matter contained in the notice being the responsibility of the Council and not delegated under Part 3 of the Constitution, any eight members of the Council if they have signed a requisition specifying the nature of business and presented to the Speaker of the Council or the Chairman under Rule 4.1(ii) above 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.
- (v) The Chief Executive may, however, reject such a request if (in his/her opinion) it:
 - It is not a matter where the Council has had a responsibility, or a legitimate interest;
 - is defamatory, frivolous or offensive;
 - is substantially the same as a decision which has been considered, decided or rejected by a meeting of the Council in the past six months unless the notice of motion or amendment is signed by at least 24 members; or
 - requires the disclosure of confidential or exempt information.

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4.2 Business of Extraordinary Meetings

- (i) No business shall be transacted at a meeting called by Members other than that specified in the notice published under Rule 9.1 below.
- (ii) The notice calling the meeting shall contain a motion which makes explicit the reason for calling the meeting and the action the Council is being asked to take.

5. CHAIRMAN AND VICE-CHAIRMAN OF COMMITTEES AND SUB-COMMITTEES

- 5.1 Every Committee shall at its first Ordinary Meeting following the Annual Meeting of the Council and before proceeding to any other business, elect a Chairman and Vice-Chairman who shall remain in office until the first meeting of the Committee after the next Annual Meeting of the Council (such meeting to be held within 28 days of the day of the Annual Meeting of the Council) unless he/she resigns or ceases to be a member of the Council.
- 5.2 The Chairman of a Committee may summon a special meeting of the Committee at any time.
- 5.3 The Chairman may cancel or rearrange the date of a meeting at any time before the agenda has been published, if he/she feels there is insufficient business to justify the meeting, or there is some other good reason why it would not be appropriate to hold the meeting on the day originally proposed.

6. ATTENDANCE BY MEMBERS AT COMMITTEES

- 6.1 A Member of the Council may attend a meeting of any Committee of which he/she is not a Member and “participate” in the discussion of an item, but not to vote upon an item on the agenda, provided the item concerns that Member’s electoral division. Such Members will observe the same confidentiality conventions as apply to Members of the Committee in question.
- 6.2 The Chairman may in his/her absolute discretion afford a “right of audience” to any member not falling within para 6.1 above provided the comments remain relevant to the item on the agenda and shall do so for Group Leaders and with the consent of the Committee or Panel extend the Member’s rights to allow them to “participate”.
- 6.3 Where a resolution is passed excluding the public from a meeting, that exclusion shall not be deemed to apply to any Member of the Council but all Members will be expected to observe the confidentiality conventions.

7. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

- 7.1 **Allocation**

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As well as allocating seats on Committees and Sub-Committees, the Council will allocate seats in the same manner for substitute Members.

7.2 Number

For each Committee or Sub-Committee, the Council will appoint the same number of substitutes in respect of each political group as that Group holds ordinary seats on that Committee or Sub-Committee, with the exception of the Strategic Licensing Committee when considering Licensing Act 2003 matters where there will be no substitutes. Substitutes will be appointed on the Area Planning Committees, subject to those substitutes first receiving the necessary training.

7.3 Powers and duties

Substitute Members will have all the powers and duties of any ordinary member of the Committee but cannot exercise any special powers or duties exercisable by the person for whom they are substituting. If the ordinary Member named in the notice given in Rule 7.4(iii) below is the Chairman of the relevant Committee, then the Vice-Chairman shall preside or, if absent, the first item of business shall be the appointment of a Chairman for the meeting.

7.4 Substitution

Substitute Members may attend meetings in that capacity only:-

- (i) if it is impracticable for the named ordinary Member of the Committee to attend a specified meeting of the Committee;
- (ii) to take the place of the ordinary Member from the same Group for whom they are a designated substitute;
- (iii) where the ordinary Member will be absent for the whole of the meeting; and
- (iv) in respect of substitutes from the same political group, after the ordinary Member or the Group Leader of the Group to which that member belongs has notified the Chief Executive or his/her representative of the intended substitution prior to the commencement of the meeting.
- (v) in respect of substitutes not from the same political group, after the Group Leader of the Group to which that member belongs (or, in respect of ungrouped members, the ungrouped member) has notified the Chief Executive or his/her representative of the intended substitution prior to the commencement of the meeting

7.5 Announcement of Changes

The Chairman of the relevant meeting shall, at the commencement of the meeting, announce the name of any substitute Member(s) present and the name of the displaced ordinary Member(s).

8. TIME AND PLACE OF MEETINGS

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

9. NOTICE OF AND SUMMONS TO MEETINGS

9.1 Publication of Notice of 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 days before a meeting, the Chief Executive will send a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence.

9.2 Contents of the Summons

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.

9.3 Service of the Summons

- (i) Want of service of a summons on any Councillor shall not affect the validity of a meeting or any decisions taken; and
- (ii) If a Councillor gives notice in writing to the Chief Executive that they desire summonses to attend meetings to be sent to them at some address other than their usual place of residence, any summons addressed to them and left at or sent by post to that address shall be deemed sufficient service of the summons.

10. AGENDA FOR MEETINGS OF COUNCIL

- (i) **Setting the Agenda - General**

The items to be included in the Agenda for a meeting of the Council shall, subject to compliance with this Constitution, the Scheme of Delegations and any statutory provision, be fixed by the Chief Executive in consultation with the Speaker.
- (ii) **Pre-consideration of Policy**

At up to four Council meetings a year, Council may receive a preliminary report from a Policy Commission to enable the whole Council to be involved in and debate the policies and proposals under consideration. The Policy Commission will then take the preliminary views of Council into account when presenting their final proposals to Cabinet and a subsequent Council meeting.
- (iii) **Resolution of Cabinet or a Scrutiny Committee**

By resolution of Cabinet or a Scrutiny Committee, or at the written request of any eight members and received not less than fifteen clear working days prior to the meeting of the Council at which it is proposed that the item of business be considered, then subject to these Rules any item of business shall be included on the Council Agenda.

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11. CHAIRING OF MEETING

11.1 Speaker to Preside if present

The Speaker (if present) shall preside at a meeting of the Council.

11.2 Chairman to Preside in absence of the Speaker

If the Speaker is absent from a meeting of the Council, then the Chairman (if present) shall preside.

11.3 Appointment of Person to Preside in absence of Speaker and Chairman

If both the Speaker and the Chairman of the Council are absent, then the Members present at the meeting shall choose who shall preside for that meeting.

11.4 Casual Vacancies

Where a casual vacancy occurs in the office of Chairman or Speaker of the Council, the vacancy shall be filled by the election by the Council of one of its Councillors at its next meeting and the person so elected/appointed shall hold office until the date upon which the person in whose place they are elected/appointed would regularly have retired.

11.5 Powers of the Person Presiding

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

11.6 Reports tabled at the meeting

It shall be at the discretion of the Speaker whether to allow reports tabled at the meeting to be considered. In the event that he does so allow, the Speaker shall ensure that sufficient time is afforded to Members to consider the report and any associated papers. If the matter is not urgent then it also remains within the discretion of the Speaker whether to defer the matter for consideration at the next meeting.

12. QUORUM

The quorum of a meeting will be one-quarter of the whole number of members. During any meeting if the Speaker 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 Speaker. If he/she does not fix a date, the remaining business will be considered at the next Ordinary Meeting.

13. DURATION OF MEETING

Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for eight hours (four hours if it is an evening meeting)

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(including any adjournments) will adjourn immediately. Remaining business will be considered at a time and date fixed by the Speaker. If he/she does not fix a date, the remaining business will be considered at the next Ordinary Meeting.

14. QUESTIONS, STATEMENTS AND PETITIONS BY THE PUBLIC AT ORDINARY MEETINGS OF THE COUNCIL

14.1 General

- (i) Members of the public having given proper notice may ask questions of, make statements to the Leader, a Portfolio Holder or a Chairman of Committee or Panel on any matter in relation to which the Council has powers or duties or which affects the whole or part of the area at an Ordinary Meeting of the Council.
- (ii) A period of 30 minutes will be set aside at each meeting and normally a maximum of six questions will be heard. If notice of more than six questions is received for the same meeting, priority will be given to matters in accordance with the order in which they are received.
- (iii) The Speaker shall have discretion to extend the question period to allow any question in progress at the expiry of the 30-minute period to be completed and answered or to allow more than six questions to be heard where these relate to items on the agenda. Where more than six questions are raised and the matters do not relate to items on the agenda, the person shall be offered the option of a written reply or deferral to the next meeting of the Council.
- (iv) When matters are raised that relate to items on the agenda, the Speaker may decide to defer the question until that item is reached and take it before Councillors start their debate.
- (v) The Council has a duty to listen to the concerns of people who live, work and study in Shropshire. Where these are identified in a petition, the matter must be considered in accordance with its Petition Scheme. This provides for a petition containing 1000 or more signatures to be debated by the Council, unless the petition has been presented previously to members.
- (vi) The Chief Executive may reject any petition which in his/her opinion is considered to be vexatious, abusive or otherwise inappropriate.
- (vii) To be eligible for debate, a petition must identify the petition organiser, who shall not also be a member of the Shropshire Council. It shall contain the names and addresses or, alternatively, the names and place of work or study, as well as the signatures, of at least 1000 people. In addition the petition must have normally been received at least 10 working days prior to the Council meeting at which it is intended to be debated.

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- (viii) Where these conditions have been satisfied, unless the petition requests that a Senior Officer gives evidence at a public meeting, the matter will be scheduled for debate at the next ordinary Council Meeting or such other date as determined by the Speaker in consultation with the Chief Executive. The petition organiser will be informed of the date as soon as is practicable.
- (ix) At the commencement of the debate the petition organiser will be given 3 minutes (unless the Speaker allows them additional time) in which to present the petition after which there shall be a debate of up to 15 minutes duration. The appropriate Portfolio Holder will then reply, after which a vote will be taken, where appropriate.
- (x) If the petition relates to a matter over which the Council has no control, unless the petition calls for action which is in conflict with the Council's own policy, Members will consider whether to make representations on behalf of the Community to the relevant body.

14.2 Order of questions, statements and petitions

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

14.3 Notice of questions, statements or petitions

A question may only be asked, a statement made and a petition presented, if notice has been given to the Chief Executive no later than two clear working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

14.4 Number of questions/statements

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

14.5 Scope of questions, statements and petitions

The Chief Executive may reject a question or petition if (in his/her opinion) it:

- is not about the matter where the Council has a responsibility or a legitimate interest;
- is defamatory, frivolous 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.
- relates to the determination of a planning or licensing application
- relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment

14.6 Asking the question at the meeting

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Each question will be presented and the relevant Member will respond in turn after which the questioner if present will be asked whether he/she has a supplementary question. If the questioner is not present, the Speaker may permit someone to ask a supplementary question on his/her behalf.

14.7 Supplementary questions

A questioner asking a supplementary question may ask one question without notice of the Member who replied to the first question. The supplementary question must arise directly out of the original question or the reply. The Speaker may reject a supplementary question on any of the grounds set out in paragraph 14.5 above.

14.8 Written answers

Any supplementary question which cannot be dealt with during public question time will be dealt with by a written answer.

14.9 Reference of question, statement or petition to the Cabinet or a Committee

Unless the Speaker decides otherwise, no discussion will take place on any question but any Member may move that a matter raised by a question or a supplementary question, a statement or a petition be referred to the Cabinet, or the appropriate Committee, Sub-Committee or Scrutiny Committee. Once seconded, such a motion will be voted on without discussion.

14.10 Speaker's Discretion

The Speaker may in his/her absolute discretion allow a question to be put or a petition presented even where the requirements of this rule have not been complied with and may allow a Member of the public to make a statement which does not amount to a question.

15. QUESTIONS BY MEMBERS

15.1 On reports of the Cabinet or Committees

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

15.2 Questions on notice at full Council

Subject to Rule 15.4, a Member of the Council may ask:

- the Chairman;
- the Speaker;
- a Member of the Cabinet
- the Leader; or
- the Chairman of any Committee, Sub-Committee or Panel

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a question on any matter in relation to which the Council has powers or duties or which affects the area. All Members' questions and the appropriate answers will be despatched at least five clear days in advance of the Council meeting.

15.3 Questions on notice at Committees and Sub-Committees

A Member may ask the Chairman of a Committee, Sub-Committee or Panel a question on any matter in relation to which the Council has powers or duties or which affect the area and which falls within the terms of reference of that Committee or Sub-Committee.

A period of up to 30 minutes shall be set aside at each meeting when normally up to six questions will be heard. If notice is received of more than six questions for the same meeting, priority will be given to questions in accordance with the order in which they were received.

The Chairman shall have discretion to extend the question period to allow any question in progress of the expiry of the 30 minute period to be completed and answered, or to allow more than six questions to be heard where these relate to items on the agenda.

The Chairman may group similar questions together and where more than six questions are received he/she shall offer the questioner the option of a written reply or deferral to the next meeting of the Council.

A question may only be asked if notice has been given to the Corporate Head Legal and Democratic Services no later than two clear working days before the day of the meeting. At any one meeting, no person may submit more than two questions.

The Corporate Head Legal and Democratic Services may reject a question if (in his/her opinion) it:

- Is not a matter where the Committee has a responsibility or a legitimate interest;
- Is defamatory, frivolous or offensive;
- Is substantially the same as a question which has been put at a meeting of the Committee in the previous six months; or
- Requires the disclosure of confidential or exempt information.

A member asking a question will also have the right to ask one supplementary question without notice. The supplementary question must arise directly out of the original question or the reply.

Any supplementary question which cannot be dealt with during the time allotted for Members' Questions will be dealt with by a written answer.

15.4 Notice of questions

A Member may only ask a question under Rule 15.2 if either:

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- (a) he/she has given at least 12 working days' notice before the day of the Council meeting, in writing of the question to the Chief Executive; or
- (b) the question relates to urgent matters, and he/she has the consent of the Speaker and the Member to whom the question is to be put, and the content of the question is given in writing to the Chief Executive no later than 9.30 a.m. on the day of the meeting.

15.5 Questions about the West Mercia Police Authority or the Shropshire and Wrekin Fire Authority

A Member of the Council may address questions on the discharge of the functions of the Police Authority or the Shropshire and Wrekin Fire Authority to the person nominated for that purpose by the Authorities during consideration of the Reports of the Authorities. (NB In the case of the West Mercia Police Authority, this shall be the person nominated under s.20 Police Act 1996.)

15.6 Response

An answer may take the form of:

- (a) a direct written or oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally or in writing on the day, a written answer circulated later to the questioner.

15.7 Supplementary question

A Member asking a question under Rule 15.2 or 15.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

16. MOTIONS ON NOTICE

16.1 Notice

Except for motions which can be moved without notice under Rule 17, written notice of every motion signed by at least four Members or a Group Leader (who must ensure that they have the consent of all group members) on behalf of all members of their group must be delivered to the Chief Executive at least than 10 clear working days before the date of the meeting.

16.2 Motion set out in agenda

Motions for which notice has been given will be listed towards the end of the Council agenda but prior to the Police and Fire Authority reports, unless the Member giving notice states, in writing that they propose to move it to a later meeting or withdraw it. The Speaker is given authority to vary the order of business if requested by the proposer of any motion which relates to an

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important issue affecting the budget, plans or policies of the Council. A notice of motion which seeks referral of a motion or other matter to Cabinet, a Committee or Panel or where the proposer seeks such a referral in moving the motion, it shall, unless the Speaker otherwise directs, stand automatically referred without discussion.

16.3 Scope

- (i) Motions must be about matters for which the Council has a responsibility or which affect the area.
- (ii) No motion or amendment shall be discussed which if passed would commit the Council to expenditure or loss of income or to the incurring of liabilities unless a sufficient approved budget vote or virement or contingency is identified subject only to the motion or amendment being permitted on the grounds of urgency or expediency by the Speaker of Council.
- (iii) Background papers for motions shall only be provided by Officers in relation to motions relating to the work of the Council.

17. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Speaker 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, or that particular items of business specified in the summons should have precedence;
- (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 adoption of recommendations of 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;

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- (m) that the meeting continue beyond eight hours in duration;
- (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 25 or to exclude them from the meeting under Rule 25.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

18. RULES OF DEBATE

18.1 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.

18.2 Right to require motion in writing

Unless notice of the motion has already been given, the Speaker may require it to be written down and handed to him/her before it is discussed.

18.3 Seconders' speech

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

18.4 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 three minutes without the consent of the Speaker.

At the Budget Meeting in February, each Group Leader may have one speech up to a maximum of ten minutes and presentations from outside bodies at Council shall normally be limited to a maximum of 15 minutes, subject to the Speaker's discretion, followed by a 15 minute question and answer session.

18.5 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;

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

18.6 When an officer may speak

A chief or senior officer may speak in presenting a report or in presenting advice or answering questions of a factual nature during debate. Any other contributions will be at the invitation of the Chairman.

18.7 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 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) above is not to negate the motion.
- (b) Any ruling by the Speaker on whether or not an amendment to a motion amounts to negation of the motion shall be final and not open to debate.
- (c) 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.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) If an amendment is carried, the motion as amended takes the place of the original motion and becomes the substantive motion to which any further amendments are moved.
- (f) After an amendment has been carried, the Speaker will read out the amended motion before accepting any further amendments, or, if there are none, put it to the vote.

18.8 Alteration of motion

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- (a) A Member may alter a motion including accepting an amendment of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

18.9 **Withdrawal of motion**

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

18.10 **Right of reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion, has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

18.11 **Procedural 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 a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond eight hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and

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- (i) to not hear further a Member named under Rule 25.3 or to exclude them from the meeting under Rule 25.4

18.12 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 Speaker thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Speaker thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed, he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Speaker thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

18.13 Point of order

A Member may raise a point of order at any time. The Speaker 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 he/she considers it has been broken. The ruling of the Speaker on the matter will be final and shall not be open to any debate or discussion.

18.14 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, or to refute personal allegations. The ruling of the Speaker on the admissibility of a personal explanation will be final and shall not be open to any debate or discussion.

18.15 Respect for the Speaker

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Whether specifically provided for in these Rules or not, the ruling of any person presiding at a meeting of the Authority on all questions of order and of matters arising in any debate shall be final and not open to discussion.

19. PREVIOUS DECISIONS AND MOTIONS

19.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 24 Members.

19.2 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 24 Members. Once the motion or amendment is dealt with, no-one can propose a similar motion or amendment for six months.

20. VOTING

20.1 Majority

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

20.2 Speaker's casting vote

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

20.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 20.4 and 20.6, the Speaker will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.

20.4 Recorded vote

If 15 Members present at the Council meeting, or for Committees and Panels one-quarter of the total membership or three Members whichever is the greater, demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

20.5 Right to require individual (named) vote to be recorded

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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.

20.6 Voting on appointments

If there are more than two people nominated for any position to be filled (including any Chairmanship or Vice-Chairmanship) 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. The voting may take place by ballot if the Council so determines and in the case of equality of votes for two or more candidates, then the Speaker shall have a second or casting vote in accordance with Rule 20.2 above.

20.7 The Division Bell

Where a vote is to be taken on any motion or amendment, the Division Bell will be rung, and the vote will take place 20 seconds thereafter.

21. MINUTES

21.1 Signing the minutes

The Speaker will sign the minutes of the proceedings at the next suitable meeting. The Speaker will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy, and no motion or discussion shall take place on the minutes except upon their accuracy.

21.2 No requirement to sign minutes of previous meeting at Extraordinary Meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

21.3 Form of minutes

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

22. RECORD OF ATTENDANCE

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

23. FAILURE TO ATTEND MEETINGS

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- (i) As required by Section 85 of the Local Government Act 1972, where a Councillor fails throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Authority (see Note below), then they cease to be a Member of the Authority unless the failure was due to some reason approved by, or on behalf of, the Council before the expiry of that period.
- (ii) Additional non-voting Members of Committees and Panels who fail to attend a meeting of the relevant body over a six month period, except for some reason agreed by the relevant body before the expiry of the said period, will cease to qualify as a Member of that body.

(Note: “Meetings of the Authority” as defined within the legislation includes the Council meeting itself, and meetings of Cabinet, Committees, Joint Committees, Panels, and outside body attendance where the Councillor is a “named Member” of that body.)

24. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules as set out in Part 4 of this Constitution or Rule 26 (Disturbance by the Public).

25. MEMBERS’ CONDUCT

25.1 Standing to speak

A Member when speaking at full Council shall stand and address the Speaker unless permitted by the Speaker to sit on account of disability or infirmity. If more than one Member stands, the Speaker will ask one to speak and the others must sit down. 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.

25.2 Speaker standing

When the Speaker stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent. The Speaker shall have power to control the meeting and generally to take such steps as he/she considers necessary to maintain order and the proper conduct of business.

25.3 Member not to be heard further

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

25.4 Member to leave the meeting

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If the Member continues to behave improperly after such a motion is carried, the Speaker 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.

25.5 General disturbance

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

26. DISTURBANCE BY PUBLIC

26.1 Removal of member of the public

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

26.2 Clearance of part of meeting room

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

27. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

27.1 Suspension

All of these Council Rules of Procedure except Rules 20.5 (right to require individual vote to be recorded) and 21.2 (no requirement to sign the minutes of a previous meeting at an extraordinary meeting) may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

27.2 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.

28. MEMBER'S RIGHT TO INSPECT DOCUMENTS

28.1 A Member of the Council may for the purposes of his/her duty as such Member, but not otherwise:-

- (i) Inspect any document which has been considered by a Committee or by the Council, and if copies are available shall on request be supplied for the like purposes with a copy of such document.
- (ii) Inspect any other document if in the opinion of the appropriate Chief Officer, Speaker, Chairman, Committee or the Council he/she has a genuine need as a Member to know what the document contains and if

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in the judgement of that Chief Officer, Speaker, Chairman, Committee or the Council it is appropriate in all the circumstances, including the nature and contents of the document itself, that he/she should inspect it.

Provided that:-

- (a) a Member shall not knowingly inspect, or call for a copy of, any document relating to a matter in which he/she is professionally interested or in which he/she has directly or indirectly any disclosable pecuniary interest within the meaning of the Code of Conduct for Members
- (b) a Member who is allowed to inspect any document which is on the face of it confidential or on condition that he/she respects its confidentiality shall not without the express consent of the Chairman, Speaker, Committee or the Council communicate the contents of the document or any part of it to any other person, and
- (c) this Rule shall not preclude the Corporate Head Legal and Democratic Services from declining to allow inspection of any document which is, or in the event of legal proceedings, would be legally protected by privilege.

All minutes kept for any Committee shall be open for the inspection of any Member of the Council during office hours.

29. INSPECTION OF LAND, PREMISES ETC

- 29.1 A Member unless authorised to do so by the Council or a Committee, shall not inspect any lands or premises which the Council has the right or duty to inspect, to enter upon or issue any order respecting any works which are being carried out by or on behalf of the Council.

30. CANVASSING ON APPOINTMENTS

- 30.1 Canvassing of Members of the Council or any Committee of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate for such appointment. The purport of this paragraph of this Standing Order shall be stated either in the advertisement inviting applications for appointment or in any form of application or particulars supplied for use by candidates.
- 30.2 A Member of the Council shall not solicit for any person any appointment under the Council, or recommend any person for such appointment or for promotion; but this paragraph of this Standing Order shall not preclude a Member from giving a written testimonial of a candidate's ability, experience or character, for submission to the Council with an application for appointment.

31. RELATIVES OF MEMBERS OR OFFICERS

- 31.1 Candidates for any appointment under the Council shall when making application disclose in their form or letter of application to the appropriate

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Chief Officer whether to their knowledge they are related to any Member of the Council or any Member of a body appointing persons who will be paid by the Council or any senior employee of the Council. A candidate who fails so to do shall be disqualified for such appointment and if appointed shall be dismissed. Every Member and senior employee of the Council shall disclose to the appropriate Chief Officer any relationship known to him/her to exist between himself/herself and a candidate for any appointment of which he/she is aware. The appropriate Chief Officer shall report to the Council or to the Chief Executive any such disclosure made to him/her if he/she considers such action to be necessary.

- 31.2 Where a relationship of a Member of the Council is disclosed, the relevant provision of the Code of Conduct for Members shall apply.
- 31.3 The purport of this Rule shall be stated either in the advertisement inviting applications for appointment or in any form of application or particulars supplied for use by candidates.
- 31.4 For the purpose of this Rule “Senior Employee” means any employee of the Council employed in a grade the maximum of which exceeds spinal column point 44 or the equivalent thereof, and persons shall be deemed to be related if they are husband and wife or if either of them or the spouse of either of them is the son or daughter or grandson or grand-daughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

32. APPLICATION OF THE RULES

32.1 Application of Rules to Council

All of the Council Rules of Procedure apply to meetings of full Council.

32.2 Application of Rules to Committees and Sub-Committees

Rules 5-14; 16-22 (but not 20.7); and 24-26 (but not 25.1) also apply to meetings of Committees and Sub-Committees. Where necessary, any reference to specific Members in any of the above Rules shall be read as being reference to one-third of the Members present at any Committee or Sub-Committee or three Members, whichever is the higher.

32.3 Application of Rules to the Cabinet

Rules 14, 20 (but not 20.7) also apply to meetings of the Cabinet.