

# **Broxtowe Borough Council Constitution**

## **Chapter 2 – Part 1 & 2**

### **The Council and Council Procedure Rules**

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## **Chapter 2 Part 1 & 2: THE COUNCIL AND COUNCIL PROCEDURE RULES**

### **Part 1:**

#### **1. The Council**

##### **Functions & Responsibilities**

- 1.1 Under the provisions of the Local Government Act 2000 and, where applicable, Sections 101 and 102 of the Local Government Act 1972 and other relevant legislation, and in the manner set out in this Constitution the Council arranges for the discharge of its functions by the Cabinet (Executive functions), Committees (Non- Executive functions) and by Officers under delegated authority other than:
- 1.2 Those functions reserved as Council Functions by the Local Government Act 2000 (as amended) or any other Act.
- 1.3 Those functions set in Schedule 1 of the Local Authorities (Functions and Responsibilities (England) Regulations 2000 (as amended);
- 1.4 Those plans and strategies set out in Schedule 3 of the of the Local Authorities (Functions and Responsibilities (England) Regulations 2000 (as amended);
- 1.5 Those functions which would be Cabinet functions but for the circumstances set out in Schedule 4 of the Local Authorities (Functions and Responsibilities (England) Regulations 2000 (as amended);
- 1.6 Those functions set out below which the Council has determined shall be reserved to the Council:
  - 1.6.1 Consideration of reports by the Chief Executive under Section 4(5) of the Local Government and Housing Act 1989
  - 1.6.2 The election of the Mayor of the Council under S.4 of the Local Government Act 1972
  - 1.6.3 The appointment of the Deputy Mayor of the Council under S.5 of the Local Government Act 1972
  - 1.6.4 The matters set out in section 67(2)(a), (b), (c) and (d) of the Local Government (Finance) Act 1992 being determination as to discounts or liability in prescribed cases and the setting of the Council Tax
  - 1.6.5 Determination or variation of the Council's affordable borrowing limit under Section 3 of the Local Government Act 2003
  - 1.6.6 Appointing and Discharging the Leader of the Council by resolution
  - 1.6.7 Noting the appointment of the Leader and Deputy Leader of the Opposition and the Leader and Deputy Leader of any other political group;
  - 1.6.8 Approval or adoption of amendment of the following policy documents:

The Council's Constitution including

- (a) Procedure Rules.
- (b) The Code of Conduct.
- (c) Corporate Plan.
- (d) Overall capital programme and revenue budget (including associated strategies).
- (e) Statement of Licensing Policy.
- (f) Statement of Gambling Principles.

1.6.9 The making of byelaws.

1.6.10 The promotion or adoption of an Act of Parliament.

1.6.11 The receipt of petitions.

1.6.12 The appointment and dismissal of the Chief Executive, Monitoring Officer, S151 Officer. and other Chief Officers.

1.6.13 The adoption and amendment of the Councillor's allowance scheme.

1.6.14 Determining or delegating of any matter or function within the remit of the Council not delegated or performed elsewhere under this scheme.

1.6.15 Functions conferred on the Council by Part 4 of the Local Government and Public Involvement in Health Act 2007 in respect of the receipt of petitions and the institution, conduct and determination of a Community Governance Review.

1.6.16 Appointment to outside bodies.

1.6.17 Establishing Joint Committees to perform functions that would fall to be performed by a Joint Committee of the Council and similar Members or representative of some other authority or body.

1.6.18 Pay Policy.

1.6.19 Approving and adopting the Budget and Policy Framework.

## **The Budget and Policy Framework**

2. The Policy Framework

2.1 The Policy Framework means the following plans and strategies:

2.1.1 Corporate Plan / Forward Plan

2.1.2 Development Management Documents prepared in accordance with the Planning and Compulsory Purchase Act 2004 (or as subsequently amended)

2.1.3 The Planning Development Plan

2.1.4 Licensing Authority Policy Statement

- 2.1.5 Statement on Gambling Policy
- 2.1.6 Crime and Disorder Reduction Strategy
- 2.1.7 Annual Treasury Management Strategy
- 2.1.8 Financial Strategy (Medium Term Financial Plan, Revenue Budget, Council Tax Setting and Capital Programme)
- 2.1.9 Capital Investment Strategy

## 2.2 Budget

The Budget includes the allocation of financial resources to different services and projects, centrally held funds, determining the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

## 2.3 Budget and Policy Framework Procedure Rules

The Budget and Policy Framework are prepared and adopted by the Council in accordance with the Budget and Policy Framework Procedure Rules set out at Chapter 2 Part 6 of this Constitution.

## **Part 2: Council Procedure Rules**

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

#### 1.1 Timing and business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors (Note, retirement takes place on the fourth day after the election). In any other year, the annual meeting will take place in May.

The annual meeting will:

- 1.1.1 elect a person to preside if the Mayor and Deputy Mayor of the Council are not present;
- 1.1.2 elect the Mayor of the Council;
- 1.1.3 appoint the Deputy Mayor of the Council;
- 1.1.4 approve the minutes of the last meeting;
- 1.1.5 receive any announcements from the Mayor;
- 1.1.6 note the Leader of the Council, the Leader of the Opposition and the Leader of any other group;
- 1.1.7 elect the Leader in the year of an ordinary election of Councillors;

- 1.1.8 appoint the Committees the Council considers appropriate to deal with matters which are not reserved to the Council (as set out later in this Constitution);
- 1.1.9 agree the scheme of delegations or such part of it as the Constitution determines it is for the Council to agree (as set out later in this Constitution);
- 1.1.10 consider any business set out in the notice convening the meeting;
- 1.2 Selection of Councillors on Committees and Outside Bodies; at the annual meeting, the Council meeting will:
  - 1.2.1 decide the allocation of seats to political groups in accordance with the political balance rules;
  - 1.2.2 make appointments to outside bodies except where appointment to those bodies has been delegated by the Council;
  - 1.2.3 appoint the Chairs and Vice-Chairs of Committees;
  - 1.2.4 note that either the Leader of the Council or another Councillor being their nominated representative, and either the Leader of the Opposition or another Councillor being their nominated representative, have the right to attend any of the Council's Committees, which are not scrutiny Committees, as ex-officio Members and to speak but not vote at it provided that such nominated representatives may not be in attendance at the same meeting as their respective Leaders, unless they have been appointed as a Member of that Committee or are acting as a substitute for a named Member.

## **2. Ordinary Meetings**

- 2.1 Ordinary meetings of the Council will take place in accordance with a programme decided at a previous meeting. The order of business at ordinary meetings will be as follows:
  - 2.1.1 elect a person to preside if the Mayor and Deputy Mayor are not present;
  - 2.1.2 approve the minutes of the last meeting;
  - 2.1.3 receive any declarations of interest from Members;
  - 2.1.4 receive any announcements from the Mayor;
  - 2.1.5 receive a report from the Leader and receive questions and answers on the report if any;
  - 2.1.6 receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Chief Executive are relevant to the Council's functions (subject to Rule 8.5);
  - 2.1.7 receive reports from the Cabinet Portfolio Holders and receive questions and answers on the reports;

- 2.1.8 receive reports from the Committees and receive questions and answers on the reports;
- 2.1.9 consider business which, in the opinion of the Chair or Vice-Chair of the Overview & Scrutiny Committee, or in their absence, the Mayor or Deputy Mayor, or in their absence the Chief Executive or their nominee's should be considered at the meeting as a matter of urgency;
- 2.1.10 receive petitions in relation to matters which in the opinion of the Chief Executive are relevant to the Council's functions;
- 2.1.11 receive items referred from the Committees or questions from Members on the business of the Committees;
- 2.1.12 consider any other business specified in notice convening the meeting, including proposals from the Cabinet in relation to the Budget and Policy Framework and reports from the Overview and Scrutiny Committee;
- 2.1.13 consider motions;
- 2.1.14 receive a presentation from the Youth Mayor, as appropriate, (and/or the Deputy Youth Mayor), by invitation, for up to five minutes on the activities of Broxtowe Youth Voice (the Youth Mayor and/or the Deputy Youth Mayor will have the right to speak, but not to vote, on any item on the agenda at a full Council meeting whether annual or ordinary with the rules on speaking being as per these Council Procedure Rules);
- 2.1.15 receive questions from Councillors to those representing the Council on outside bodies;
- 2.1.16 deal with questions from Councillors in accordance with Rule 10;
- 2.1.17 approve a programme of ordinary meetings of the Council and Committees for the year at an appropriate time. The Council meeting to consider the budget shall be limited to only that substantive item unless by agreement of the Mayor; **or the criteria for urgent business, at 2.1.21, is met.**
- 2.1.18 approve amendments to the membership of Committees.
- 2.1.19 receive updates from the Chair or Vice Chair of the Overview and Scrutiny Committee on the Scrutiny work programme.
- 2.1.20 Receive an Annual Review of Scrutiny report at an appropriate time.

### **3. Extraordinary Meetings**

#### **3.1 Calling extraordinary meetings**

The Chief Executive or in their absence, the Deputy Chief Executive (section 151 Officer) may call Council meetings in addition to ordinary meetings and those listed below may request the Chief Executive or in their absence, the Deputy Chief Executive to call additional Council meetings:

- 3.1.1 the Council by resolution;
- 3.1.2 the Mayor of the Council;
- 3.1.3 the Monitoring Officer
- 3.1.4 any five Members of the Council if they have signed a requisition presented to the Mayor of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven clear working days of the presentation of the requisition the Chief Executive, the Deputy Chief Executive (Section 151 Officer) or the Monitoring Officer, respectively, in the exercise of their statutory duties.
- 3.1.5 The Chief Executive, in consultation with the Leader, may consider calling the meeting should the Mayor refuse to do so.
- 3.1.6 An extraordinary meeting will only consider the business the meeting has been called for together with any questions and motions or petitions that relate directly to that business. Extraordinary Meetings will not normally deal with any public questions or petitions unless they relate directly to the business to be transacted and will not consider items that can conveniently wait until the next Ordinary Meeting of the Council. The Chief Executive in discussion with the Leader of the Council may reject the request if it:
  - does not meet the definition of urgent business;
  - is vexatious, abusive or otherwise inappropriate;
  - relates to a planning decision;
  - relates to a licensing decision;
  - 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;
  - requires the disclosure of confidential or exempt information;
  - has been considered by one of the council's decision-making bodies within the last six-months.
  - is not within the council's area of responsibility nor within its sphere of influence.

### 3.2 Business of extraordinary meetings

The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc except that the Mayor, or in their absence the Deputy Mayor may at their absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business within the provisions of the law.

## 4. **Time, Place and Duration of Council Meetings**

### 4.1 Time and Place of Meetings

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

## 4.2 Duration of Meetings

- 4.2.1 At an ordinary meeting of the Council, when two hours have elapsed after the commencement of the meeting a Member of the Council may move without notice that the meeting shall end at a time to be specified in the motion. The Mayor shall, at the conclusion of the debate on the item of business then under consideration, put the matter to the vote if the duration of the meeting will exceed three hours.
- 4.2.2 If there are other motions or recommendations on the agenda that remain to be dealt with, and require decisions, they will be deferred to the next meeting.
- 4.2.3 During the process set out in at Rules 4.2.1 and 4.2.2 above the only other motions which may be moved are that a matter be withdrawn or deferred under or that a particular Rule be suspended under Rule 21.1 or that a matter be delegated to the Cabinet, Committee or Sub-Committee for decision or report under Rule 8.10.
- 4.2.4 When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

## **5. Notice of and Summons to Meetings**

- 5.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure 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.

## **6. Chair of Meeting**

- 6.1 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 Chair of Committees and Sub-Committees.

## **7. Quorum**

- 7.1 The quorum of a meeting will be one quarter of the whole number of Councillors or Committee Members (unless stated elsewhere in this constitution) and for Committees shall be no less than three 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 Mayor. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

## **8. Questions by the Public**

### **8.1 General**

Members of the public who are residents of the Borough or run a business in the Borough may ask one question of the Leader, Portfolio Holder or of the Chair of a Committee at ordinary meetings of the Council.

The total time allocated for questions by the public is limited to 15 minutes in total (unless at the absolute discretion of the Mayor an extension of time is permitted, in which case a maximum of no more than a total of 30 minutes shall be permitted and no more than 5 minutes per question).

### **8.2 Order of questions**

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

### **8.3 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 Chief Executive no later than midday three clear working days before the day of the meeting. Each question must give the name and address of the questioner.

#### 8.4 Number of questions

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

#### 8.5 Scope of questions

The Chief Executive may reject a question if it:

8.5.1 is not about a matter for which the Council has a responsibility or which affects the Borough;

8.5.2 is defamatory, frivolous or offensive;

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

8.5.4 requires the disclosure of confidential or exempt information.

#### 8.6 Record of questions

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

#### 8.7 Asking the question at the meeting

The Mayor will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

#### 8.8 Supplementary question

There will be no right for a member of the public to put a supplementary question.

#### 8.9 Written answers

Subject to the provisions of paragraph 8.7, any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer.

#### 8.10 Reference of question to the Cabinet or a Committee

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

### **9. Petitions from the Public**

## 9.1 Notice of Petition

If a resident of the Borough or someone running a business in the Borough wishes to present a petition to a Council meeting, notice must be given at least seven clear working days before the meeting and the petition must have over 1,000 signatures (the signatories must either be resident of the Borough or someone running a business in the Borough). Otherwise a petition must be presented through a Councillor, **and if under 1,000 signatories, will not qualify for debate. The Lead Signatory will receive a response on the subject of the petition from the appropriate Officer.**

## 9.2 Presentation of Petitions

9.2.1 The petition organiser, or Councillor, will be allowed to present the petition at the meeting. Only one person may speak to present a petition and any such presentation shall be limited to those words heading the presentation. There will be no more than two petitions at any Council meeting.

9.2.2 The Council will then debate the petition for a maximum of 15 minutes at the next Council meeting, unless the Mayor decides that urgent circumstances warrant an immediate debate.

9.2.3 The Mayor will call upon the Portfolio Holder or the Chair of the Committee within whose remit the subject of the petition falls to make a proposal at the next meeting in respect of the petition. Such a proposal shall be to:

- a) take the action the petition requests;
- b) not to take the action requested;
- c) or commission further investigation into the matter by the relevant Portfolio Holder or Committee;
- d) The proposal shall be put to the vote;
- e) The petition organiser will receive written confirmation of this decision which will also be published on the Council's website.

## 9.3 Number of Petitions

At any one meeting no person or organisation may present more than one petition.

## 9.4 Scope of Petitions

The Chief Executive may reject a petition if it:

- 9.4.1 is vexatious, abusive or otherwise inappropriate;
- 9.4.2 relates to a planning decision;
- 9.4.3 relates to a licensing decision;
- 9.4.4 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;
- 9.4.5 requires the disclosure of confidential or exempt information;

9.4.6 is outside of the Council's scope of business or responsibility.

## **10. Questions by Members and Ward Matters**

### **10.1 Questions on notice at full Council**

10.1.1 Subject to Rule 10.2, a Member of the Council may ask:

- a) the Mayor;
- b) the Leader;
- c) the Portfolio Holder or Chair of any Committee or Sub-Committee.

a question on any matter in relation to which the Council has powers or duties or which affects the Borough or in the case of (c) falls within the terms of reference of the Cabinet or that Committee or Sub-Committee, but is not included within the decisions being considered at the meeting;

10.1.2 The total time permitted for Members' questions and Ward matters will be 1 hour.

10.1.3 There shall be no general debate on questions.

### **10.2 Notice of questions**

A Member may ask a question under Rule 10.1 if:

10.2.1 they have given notice of the question in writing or by electronic mail no later than midday three clear working days before the day of the meeting to the Chief Executive; or

10.2.2 if the question relates to urgent matters, they have the consent of the Mayor or Member to whom the question is to be put and the content of the question is given to the Chief Executive by 12 noon on the day of the meeting;

### **10.3 One question per Member**

A Member may ask only one question under Rule 10.1 except with the consent of the Mayor of the Council, or the Chair [or Vice Chair] of a Committee or Sub-Committee other than under Rule 10.7.

### **10.4 Order of questions**

Questions of which notice has been given under Rule 10.1 will be put to the meeting in the order determined by the Mayor of the Council.

### **10.5 Content of questions**

Questions under Rule 10.1 must, in the opinion of the Mayor relate to matters on which the Council has or may determine a policy.

### **10.6 Response**

An answer may take the form of:

- 10.6.1 a direct oral answer at the meeting;
- 10.6.2 where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- 10.6.3 where the reply cannot conveniently be given orally, a written answer shall be delivered within 10 clear working days.

#### 10.7 Supplementary question

A Member asking a question under Rule 10.1 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

#### 10.8 Length of speeches

A Member asking a question under Rule 10.1 and a Member answering such a question may speak for no longer than 5 minutes unless the Mayor consents to a longer period.

#### 10.9 Ward matters

10.9.1 A Member may speak on Ward matters if either:

- (a) they have given notice in writing no later than midday three working days before the day of the meeting to the Chief Executive and or
- (b) the Ward matter relates to urgent matters, they have the consent of the Mayor and the content of the Ward matter is given to the Chief Executive by 12 noon on the day of the meeting.

10.9.2 A Member may make only one speech on Ward matters except with the consent of the Mayor of the Council.

10.9.3 Speeches on Ward matters of which notice has been given under this Rule 10.9 will be listed on the agenda in the order determined by the Mayor of the Council.

10.9.4 There shall be no general debate on speeches on Ward matters.

#### 10.10 Length of speeches

A Member speaking on Ward matters may speak for no longer than 5 minutes and the total time allotted to Ward matters in any one meeting shall not exceed 30 minutes unless the Mayor consents to a longer period.

### **11. Motions on Notice**

#### 11.1 Notice

Except for motions which can be moved without notice under Rule 12, written notice of every motion, must be delivered to the Chief Executive not later than 12 noon seven clear working days before the Council meeting at which it is to be considered. Motions received will be recorded and open to public inspection.

### 11.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order determined by the Mayor.

### 11.3 Scope

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

### 11.4 One motion per Member

No Member may give notice of more than one motion for any Council meeting, except with the consent of the Mayor.

### 11.5 Time allowed for motions

The time allowed for consideration of a motion submitted under Rule 11 shall not without the consent of the Mayor exceed 45 minutes, the mover of the motion shall not speak for longer than 10 minutes, the seconder of the motion shall not speak for longer than 5 minutes, subsequent to which the mover of the motion shall have no more 10 minutes to sum up. At the expiry of 45 minutes (from the commencement of the Council's consideration of a motion), the Mayor shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:

11.5.1 if the speech to be concluded is a speech proposing a motion, the Mayor shall allow the motion to be formally seconded (without comment);

11.5.2 if the speech to be concluded is a speech moving an amendment to the motion, the Mayor shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise their right of reply; and

11.5.3 otherwise, the Mayor shall allow the mover of the motion to exercise their right of reply.

Any remaining motions submitted under this Rule shall be deferred to the next ordinary meeting of the Council and shall be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

## **12. Motions without Notice**

12.1 The following motions may be moved without notice:

12.1.1 to appoint a Chair of the meeting at which the motion is moved;

12.1.2 in relation to the accuracy of the minutes;

- 12.1.3 to change the order of business in the agenda;
- 12.1.4 to refer something to an appropriate body or individual;
- 12.1.5 to appoint a Committee or Member arising from an item on the summons for the meeting;
- 12.1.6 to receive reports or adoption of recommendations of the Cabinet, Committees or Officers and any resolutions following from them;
- 12.1.7 to withdraw a motion;
- 12.1.8 to amend a motion;
- 12.1.9 to proceed to the next business;
- 12.1.10 that the question be now put to adjourn a debate;
- 12.1.11 to adjourn a meeting;
- 12.1.12 to end a meeting at a time stated in the motion;
- 12.1.13 to suspend a particular Procedure Rules;
- 12.1.14 to exclude the public and press in accordance with the Access to Information Procedure Rules;
- 12.1.15 to not hear further a Member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4; and
- 12.1.16 to give the consent of the Council where its consent is required by this Constitution.

### **13. Rules of Debate**

#### **13.1 No speeches until confirmation of seconder**

Before commencing their speech supporting their motion, the mover of a motion shall indicate to the Mayor, which Councillor is to second the motion, and that Councillor will confirm this to the Mayor, following which the mover will commence their speech. If that Councillor does not confirm this, then the Mayor will ask if any other Councillor will second the motion. If a Councillor confirms this, then the mover can commence their speech. If not, the Mayor will rule that the motion fails. No speeches may be made until after the motion has a confirmed seconder.

#### **13.2 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.

#### **13.3 Secunder's speech**

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

#### **13.4 Content and length of speeches**

- 13.4.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order.
- 13.4.2 A speech by the mover of a motion may not exceed 10 minutes without the consent of the Mayor.
- 13.4.3 A speech by the seconder of a motion may not exceed 5 minutes without the consent of the Mayor.
- 13.4.4 The time limit does not apply to speeches by officers in presenting reports or advising the Council on any matter.
- 13.4.5 Immediately following the seconder speaking on a motion or reserving their right to speak until later in the debate, the Mayor shall ask the Leader of the main opposition group to speak on the motion, or nominate a Councillor to speak next on the motion. A speech under this section may not exceed 5 minutes without the consent of the Mayor.
- 13.4.6 Speeches by ordinary Members (where not stipulated at 11.5) shall not exceed 5 minutes, without the consent of the Mayor.

### 13.5 When a Councillor may speak again

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

- 13.5.1 to speak once on an amendment moved by another Councillor;
- 13.5.2 to move a further amendment if the motion has been amended since they last spoke;
- 13.5.3 if their first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- 13.5.4 in exercise of a right of reply;
- 13.5.5 on a point of order; and
- 13.5.6 by way of personal explanation.

### 13.6 Amendments to motions

- 13.6.1 An amendment to a motion must be relevant to the motion and will either be:
  - (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (b) to leave out words;
  - (c) to leave out words and insert or add others; or
  - (d) to insert or add words,
  - (e) as long as the effect of (b) to (d) is not to negate the motion.

- 13.6.2 Subject to Rule 13.6.6 below, 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.
- 13.6.3 If an amendment is not carried, other amendments to the original motion may be moved.
- 13.6.4 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion upon which further speakers may be invited and to which any further amendments are moved.
- 13.6.5 After an amendment has been carried, the Mayor will read out the amended motion before inviting any further speakers upon it as the substantive motion or accepting any further amendments to it, or if there are none, and after the right to reply has been offered put it to the vote.
- 13.6.6 The Mayor may determine on the presentation of a report and recommendation being proposed and seconded, that the motions and any subsequent amendments would be debated together. In this case, at the conclusion of the debate, the amendments will be voted on separately in the order in which they were proposed.
- 13.6.7 Before any speeches on an amendment that has been proposed, the Mayor shall ask the mover and seconder of the original motion or substantive motion whether they are prepared to accept the amendment. If they are, the amendment will be treated as an alteration under Procedure Rules 13.7. If they are not, then the amendment will be debated.

### 13.7 Alteration of motion

- 13.7.1 A Councillor may alter a motion of which they have given notice in accordance with Procedure Rules 11 with the consent of the meeting. The meeting's consent may be signified without discussion.
- 13.7.2 A Councillor may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent may be signified without discussion.
- 13.7.3 Only alterations which could be made as an amendment maybe made.

### 13.8 Withdrawal of motion

A Councillor may withdraw a motion which they have submitted or moved with the consent of the seconder if the debate has begun. No Councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### 13.9 Rights of reply

- 13.9.1 At close of a main motion (i.e. un-amended) debate:

- (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.

13.9.2 At close of an amendment debate:

- (a) 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;
- (b) the mover of the amendment shall also have the right of reply at the close of the debate immediately prior to the closing speech by the mover of the original motion.

13.9.3 At close of substantive motion (i.e. after an amendment to a main motion has been carried) debate:

- (a) the mover of the successful amendment shall have a right of reply at the end of any debate on the substantive motion.

13.10 Motions which may be moved during debate

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

13.10.1 to withdraw a motion;

13.10.2 to amend a motion;

13.10.3 to proceed to the next business;

13.10.4 that the question be now put to the vote;

13.10.5 to adjourn a debate;

13.10.6 to adjourn a meeting;

13.10.7 to extend the length of the meeting;

13.10.8 to exclude the public and press in accordance with the Access to Information Procedure Rule; and

13.10.9 to not hear further a Councillor named under Rule 19.3 or to exclude them from the meeting under Rule 19.4.

13.11 Closure motions

13.11.1 A Councillor may move, without comment, the following motions at the end of a speech of another Councillor:

- (a) to proceed to the next business;
- (b) that the question be now put;
- (c) to adjourn a debate; or
- (d) to adjourn a meeting.

13.11.2 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 procedural motion to the vote.

13.11.3 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 procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting his/her motion to the vote.

13.11.4 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will give the mover of the original motion or an amendment, or a substantive motion (as the case may be) a right of reply and then put the procedural motion to the vote.

#### 13.12 Point of order

A Councillor 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 Procedure Rules or the law. The Councillor must indicate the order or law and the way in which they consider it has been broken. The ruling of the Mayor on the matter will be final.

#### 13.13 Personal explanation

A Councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Councillor 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.

### **14. Previous Decisions and Motions**

#### 14.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past 6 months cannot be moved unless the notice of motion is signed by at least 10 Members or in the case of a committee, 25% of the Committee's membership.

#### 14.2 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 6 months cannot be moved unless the notice of motion or amendment is signed by at least 10 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for 6 months.

### **15. Voting**

#### 15.1 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.

#### 15.2 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.

#### 15.3 Method of voting

Unless a recorded vote is demanded under Rule 15.4 the Mayor will take the vote by show of hands or, if there is no dissent, by the affirmation of the meeting.

#### 15.4 Recorded vote

If 5 Members present at the meeting at any time request the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. Unless in the case of Committees or Cabinet where a request by 2 Members present will be sufficient to require a recorded vote to be taken.

#### 15.5 Right to require individual vote to be recorded

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

#### 15.6 Recorded votes at budget meetings

A recorded vote is required when Members take formal decisions about expenditure on local services and Council tax levels for the year ahead.

#### 15.7 Voting on appointments

If there are more than 2 people nominated for any position to be filled and there is not a clear majority of votes in favour of 1 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.

### **16. Minutes**

#### 16.1 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. The only part of the minutes that can be discussed is their accuracy.

#### 16.2 No requirement to sign minutes of previous meeting at an 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.

### 16.3 Form of minutes

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

## 17. **Record of Attendance**

17.1 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.

## 18. **Exclusion of Public and Press**

18.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in this Constitution or Rule 20 (Disturbance by Public).

## 19. **Members' Conduct**

### 19.1 Speaking at meetings

When a Member speaks at full Council they must address the meeting through the Mayor. If more than one Member signifies their intention to speak, the Mayor will ask one to speak. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

### 19.2 Mayor speaking

When the Mayor speaks during a debate, any Member speaking at the time must stop.

### 19.3 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.

### 19.4 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.

### 19.5 General disturbance

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

## **20. Disturbance by the Public**

### **20.1 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.

### **20.2 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.

## **21. Suspension and Amendment of Procedure Rules**

### **21.1 Suspension**

The following Rules 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: Rule 4.2, and Rules 8 to 14. Suspension can only be for the duration of the meeting.

### **21.2 Amendment**

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

## **22. Application of these Rules Committees and Sub-committees**

22.1 All of these Rules apply to meetings of full Council. Only Rules 4 to 7, and Rules 12 to 21 apply to meetings of the Cabinet, Committees, Sub-Committees or Joint- Committees (with 'Mayor' being read as 'Chair' and 'Council meeting' being read as the last meeting of the relevant Committee or Sub-Committee or Joint Committee). The application of these Rules to meetings of a Committee and Sub-Committees is subject to any additional rules which may also apply to a specific Committee or Sub- Committee.

## **23. Appointment of Substitute Members on Council Bodies**

23.1 These substitution Rules shall not apply to meetings of the Cabinet or Committees of the Cabinet, or non-quasi-judicial or non-regulatory bodies.

23.2 Subject to any other restrictions provided elsewhere in this Constitution or under the law, any Member of the Council will be permitted to act as a substitute on a Committee or Sub-Committee of the Council, subject to their having completed any training required for Members of the Committee or Sub-Committee to which they are substituted.

- 23.3 A Member of a Committee or Sub-Committee of the Council may appoint a substitute Member, subject to Rule 23. The appointing Member shall notify Democratic Services of the substitution.
- 23.4 In order to be eligible to sit as substitutes on regulatory or quasi-judicial Committees, Sub- Committees or panels established by the Council, Members must have received formal training in relevant procedures and the law.
- 23.5 Substitute Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.
- 23.6 Substitute Members may attend meetings in that capacity only:
- 23.6.1 to take the place of the ordinary Member for whom they are designated substitute;
  - 23.6.2 where the ordinary Member will be absent for the whole of the meeting;
  - 23.6.3 if there are named substitutes, then the substitute must be a named substitute;
  - 23.6.4 The relevant Committee or Sub- Committee of the Council must be notified of the substitute prior to the commencement of the meeting of the relevant Committee or Sub- Committee of the Council.

## **24. Emergency Powers**

- 24.1 In consultation with the Leader of the Council and where possible the Leader of the opposition, the Chief Executive has the power to authorise the taking or carrying out of action, notwithstanding anything in the Council's Procedure Rules, Financial Regulations all other delegations, where they consider that circumstances exist that make it expedient or necessary for action to be taken prior to the time when such action could be approved through the normal Council procedures. A report on such action, and the circumstances justifying the exercise of the delegated powers, shall be made to the next meeting of the Council as appropriate.

## **25. Election of Members and Resignation of Offices by Members**

- 25.1 The regular election of Members will be held on the first Thursday in May every four years. The terms of office of Members will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.
- 25.2 For the purpose of clarity, if the Mayor, or the Deputy Mayor, wish to resign their offices (under sub-sections (2) of sections 3 and 5 of the Local Government Act 1972 respectively) and continue as ordinary Members of the Council, they shall do so in writing, and such resignation shall be delivered to the Chief Executive and shall be accepted by the Council as operative from the moment when it was delivered to the Chief Executive.

- 25.3 If the Leader of the Council, the Deputy Leader of the Council, the Leader or Deputy Leader of any political group or the Chair or Vice-Chair of a Committee wishes to resign their office they should do so in writing in accordance with Rule 25.2 above and at the same time, as applicable, shall deliver written communication of their resignation to the Leader and the Cabinet, procedure rule The Deputy Leader of the Council shall, at the same time as delivering to the Chief Executive a written communication as to their resignation, deliver a communication in similar terms to the Leader of the Council.
- 25.4 The resignation of the Chair or Vice-Chair of a Committee shall be reported to the next meeting of the Council and / or the Committee concerned and successors shall be appointed by the Council.

## **26. Filming, Videoing, Streaming, Photography and Audio Recording**

- 26.1 The filming, streaming and recording of public meetings of the Council is allowed, however it is required to be in accordance with the Openness of Local Government Bodies Regulations 2014. This does not permit any person to provide an on-going audio commentary while the meeting is on-going. The Council Procedure Rules in relation to disrupting a meeting apply and in particular there should be no flash photography, requests made during the meeting that people speak up for the purposes of the recording, requests for comments previously made to be repeated for the purposes of the recording; this list is non-exclusive and in addition to the other provisions in relation to the disrupting of meetings and in no way fetters the Mayor's discretion to determine if behaviour is disrupting a meeting of the Authority.