

# **PART 4-1**

## **COUNCIL PROCEDURE RULES**

### **1. Scope**

All of the Council Procedure Rules apply to meetings of Council. None of the rules apply to meetings of the Cabinet. Only Rules 5-10, 12.3, 13–15, 16–25 (but not Rules 17.5 (b) and 21.1) apply to meetings of Committees and Sub-Committees. In the case of the Overview and Scrutiny Committees, Rules 15.4 (b) and 15.5 may be waived by the Chair of the Committee at their discretion for any agenda item or items.

### **2. Annual Meeting of The Full Council**

#### **2.1 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. In any other year, the annual meeting will take place in March, April or May. The Annual meeting will:

- (i) elect a person to preside if the Chair of Council is not present;
- (ii) elect the Chair of Council, who will assume office at this point;
- (iii) appoint the Vice-Chair of Council;
- (iv) approve the minutes of the last meeting;
- (v) in a year when there is any election of councillors, receive the Returning Officer's Return of councillors elected;
- (vi) receive any announcements from the Chair and/or Chief Executive;
- (vii) elect the Leader of the Council at the first Annual meeting in a year when there is an ordinary election to serve a term of four years;
- (viii) receive a statement from the Leader concerning appointments to the Cabinet, including the statutory Deputy Leader;
- (ix) appoint at least one Overview and Scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution);
- (x) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 8 of this Constitution);
- (xi) receive any declarations of interest from Members;
- (xii) approve the list of outside bodies to which formal appointments are made and make the appointments thereto;
- (xiii) receive the Leader of the Major Opposition Group's written annual statement, if they wish to give one; and
- (xiv) consider any business set out in the notice convening the meeting.

#### **2.2 Order of Business**

Business falling under items (i) - (ix) of Rule 2.1 shall not be displaced but, subject thereto, the foregoing order of business may be varied:

- (a) by the Chair at their discretion, or

- (b) by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

### **2.3 Selection of Councillors on Committees**

At the Annual meeting, the Council meeting will:

- (i) decide which Committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those Committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules and to any Councillors not in membership of a political group;
- (iv) receive the nominations of Group Leaders as to the Councillors to serve on each Committee. In nominating committee Members, conflicts of interests should be avoided wherever possible;
- (v) appoint to those Committees;
- (vi) appoint substitute Members as per the current scheme; and
- (vii) at the conclusion of the Annual Council Meeting, convene each Committee to elect the Chairs and Vice-Chairs for the civic year.

## **3. Ordinary Meetings**

### **3.1 Order of Business**

Ordinary meetings of the Council will take place in accordance with a programme decided by the Council. Except as otherwise provided by Rule 3.2, the order of business at Ordinary meetings will be to:

- (i) elect a person to preside if the Chair and Vice-Chair are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from Members;
- (iv) receive the Chair's communications;
- (v) receive questions from, and provide answers to, the public and Members in accordance with the Council's Public and Member Question Time Scheme;
- (vi) debate any petitions received under the Council's Petitions Scheme, which have the requisite number of signatures;
- (vii) deal with any business from the last Council meeting;
- (viii) receive reports from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;
- (ix) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (x) consider motions in accordance with Procedure Rule 13; and
- (xi) consider any other business specified in the summons to the meeting.

### **3.2 Variation of Order of Business**

Business falling under items (i), (ii) or (iii) of Rule 3.1 shall not be displaced but, subject thereto, the foregoing order of business may be varied:

- (a) by the Chair at their discretion, or
- (b) by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

## **4. Extraordinary Meetings**

### **4.1 Calling Extraordinary Meetings**

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

- (i) the Council by resolution;
- (ii) the Chair of the Council;
- (iii) the Monitoring Officer
- (iv) the Chief Finance Officer (Section 151 Officer); and
- (v) any five Members of the Council if they have signed a requisition presented to the Chair of the Council who has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

### **4.2 Business**

An extraordinary meeting shall not consider previous minutes, reports from committees or any other matter than the subject for which that meeting is called.

## **5. Appointment of Substitute Members on Committees**

### **5.1 Allocation**

- (a) There shall be no substitution of Members of the Audit and Standards Committee, Cabinet or Licensing Panels. Members of the Cabinet may not be substitutes on any Overview and Scrutiny Committee.
- (b) The Chair of Rother District Council may not be a substitute on any Committee.

5.2 The political groups serving on the Council may appoint substitute Members from their own group in accordance with this Procedure Rule on Committees and Sub-Committees. Only substitute Members who have undergone related training may be substituted on the Planning Committee. Political Groups will be permitted to nominate one substitute Member for each relevant Committee on which they have an allocated seat(s).

5.3 In the case of a vacancy on a Committee, the appropriate named Substitute can attend and take the vacant seat until such times as a replacement Substantive Member has been appointed by Full Council or the Chief Executive, under delegation.

### **5.4 Powers and Duties**

Substitute Members will have all the powers and duties of any ordinary Member of the committee. Substitute Members may attend meetings in that capacity only:

- (a) to take the place of the substantive Member for whom they are the designated substitute;
- (b) to take the place of a vacant seat for whom they are the designated substitute for that Group;
- (c) where the substantive Member will be absent for the whole of the

- meeting;
- (d) has undertaken the mandatory training in the case of the Planning Committee; and
- (e) after notifying the Democratic Services Manager no later than one clear working day prior to the commencement of the relevant meeting.

## 5.5 Substitution

- (a) Substantive Members must organise their own substitute arrangements and confirm the attendance of a substitute to the Democratic Services Manager or Officer at least one clear working day prior to the commencement of the meeting (unless there are extenuating circumstances such as a medical emergency or some other family-related emergency); notification by electronic mail or telephone will suffice for these purposes.
- (b) The Chair of a relevant meeting will seek confirmation of substitute Members present at the “Apologies and Substitutes” Agenda Item.
- (c) Substitutes arriving after the commencement of the meeting and for which prior notification has not been received will not be permitted to act as a substitute.
- (d) Where a substantive Member is substituted on a relevant Committee for more than 50% of the scheduled meetings of that Committee in any civic year, Group Leaders will be alerted and consideration given to the removal of the substantive Member.
- (e) Substitutes are not able to act on behalf of a Substantive Member who has joined a meeting remotely and is therefore unable to vote.

## 5.6 Variation of Membership

- (a) The appropriate Group Leader must notify the Chief Executive, in writing, of any changes in membership or substitute membership of any Committee or Sub-Committee allocated to their group and such changes will be reported to the next meeting of the Council. Such notification must be provided to the Chief Executive or their nominee prior to the commencement of the body in question to enable it to have effect for that meeting.
- (b) The Chief Executive and Monitoring Officer have delegated powers to make appointments, removals or replacement of Members to any Committee and Sub-Committee in accordance with the wishes of the Leader of the political group to which the seat has been allocated.

## 6. Time and Place of Meetings

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

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

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, or at the time the meeting is convened, if it is convened at shorter notice as a matter of urgency, the Chief Executive will send a summons signed by them by post or by electronic mail to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **8. Chair of Meeting**

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

## **9. Quorum**

### **9.1 General**

The quorum of a meeting in the case of the Council will be one quarter of the whole number of Members and in the case of a Committee or Sub-Committee, will be one third of the whole number of the Committee or Sub-Committee but in no case shall the quorum be less than two Council Members.

### **9.2 Quorum during Meetings**

During any meeting, if the Chair 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 Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

### **9.3 Inquorate Meetings**

If a meeting is inquorate it cannot, by law, proceed to make any decisions. However in certain limited circumstances, the meeting may proceed to deliberate such agenda items as are considered appropriate provided that the minutes of the meeting record the fact that the meeting was inquorate.

This would not be appropriate for a meeting of the Cabinet where the decisions are for Cabinet alone to make, nor would it be appropriate for a regulatory Committee. However, if the matter under consideration was one that would need to be referred to full Council for a decision, then Cabinet could proceed to consider the matter and submit a recommendation to Council, provided Council was advised that the recommendation arose from an inquorate meeting of Cabinet.

This procedure could apply equally to a meeting of a Sub-Committee or Overview and Scrutiny Committee where the actual decision is being taken by the parent Committee, Cabinet or full Council.

This procedure should only be used in the exceptional circumstances set out above and where it is not practical or possible to defer consideration of a matter because of

time or other constraints. It is for those Members present at any meeting to determine how they would wish to proceed in the event that a meeting is inquorate.

## **10. Duration of Meeting**

Unless the majority of Members present vote for the meeting to continue, any evening meeting that has lasted for three hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

## **11. Questions by the Public**

### **11.1 General**

Anyone who works or resides in Rother District may ask questions of Members of the Cabinet at ordinary meetings of the Council. A period of up to 30 minutes at the beginning of each meeting shall be allowed for questions to be put.

### **11.2 Order of Questions**

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

### **11.3 Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than five clear working days before the day of the meeting. Each question must give the name and address of the questioner and may specify the Member of the Cabinet either by name or portfolio to whom it is to be put.

### **11.4 Number of Questions**

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

### **11.5 Scope of Questions**

The Chief Executive may reject a question if it:

- is not about a matter for which the Local Authority has a responsibility or which affects the District; or
- is defamatory, frivolous or offensive; or
- 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; or
- relates to an individual/group business or the questioner's own particular circumstances; or
- relates to a matter which is the subject of legal or enforcement proceedings or an appeal to a tribunal or to a Government Minister or an investigation by the Local Government and Social Care Ombudsman or Monitoring Officer; or
- relates to the personal circumstances or conduct of any officer and Councillor or conditions of service of employees; or

- relates to the activities and aims of a political party or organisation; or
- relates to individual planning applications; or
- is a statement and not a genuine enquiry.

The Chair shall have the discretion to limit the length of preamble or other background information supplied with the question. In addition, the Chair may rule that a question shall not be answered because the preparation of the answer would require the expenditure of a disproportionate amount of time, money or effort.

The ruling of the Chair of the Council as advised by the Chief Executive in the above matters shall be final.

#### **11.6 Record of Questions**

The Chief Executive will enter each question in a book open to public inspection and will immediately send a copy of the question to the Member of the Cabinet to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated electronically to all Members and made available to the public attending the meeting as well as published on the Council's website in advance of the meeting when possible.

The minutes of the meeting will record the details of the questions that have been asked (including any supplementary questions) and by whom, together with the answers given.

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

Although questioners will be required to identify themselves at the meeting, they do not need to ask their questions themselves, unless they wish to. A questioner who has submitted a written question may ask the Chair to put the question on their behalf. The Chair will, in appropriate cases read 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.

#### **11.8 Supplementary Question**

A questioner who has put a question in person may also put one supplementary question without notice to the Member of the Cabinet who has replied to their original question. A supplementary question must relate to the answer given. The Chair may reject a supplementary question on any of the grounds in Rule 11.5 above.

#### **11.9 Written Answers**

Any question which cannot be dealt with during public question time due to lack of time will be dealt with by a written answer, which will be sent to the questioner and all Members of the Council within 10 working days of the meeting.

#### **11.10 Reference of Question to the Cabinet or a Committee**

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

## **12. Questions by Members**

### **12.1 On Reports of the Cabinet or a Committee**

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

### **12.2 Questions on Notice at Council**

A period of up to 30 minutes following any questions submitted by Members of the public under Rule 11 above shall be allowed for questions to be put by Members of the Council.

A Member of the Council may ask:

- the Leader;
- a Member of the Cabinet; or
- the 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 District provided that either:

- (a) they have given notice to the Chief Executive by 12 noon on the day of the meeting of the wish to ask an oral question together with details as to whom it is to be directed; or
- (b) they have given at least two clear working days' notice, not including the day of the meeting or the day on which the notification was received, of the wish to submit a written question and to receive a written answer.

The ruling of the Chair as advised by the Chief Executive and having regard to Rule 11.5 as to the appropriateness of a question shall be final.

A written question submitted by a Member who is then unable to attend Council will still be put, circulated together with the answer and included within the minutes.

### **12.3 Questions on Notice at Committees and Sub-Committees**

A Member of a Committee or Sub-Committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affects the District and which falls within the terms of reference of that Committee or Sub-Committee. 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 five clear working days before the day of the meeting.

### **12.4 Response**

An answer may take the form of:

- (a) a direct oral answer; or
- (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, a written answer circulated later to the questioner and included as an appendix to the minutes.

## **12.5 Supplementary Question**

A Member asking a question under Rule 12.2 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must relate to the original question or answer given.

The minutes of the meeting will record the details of any question asked by a Member under 12.2, together with the answer given, and the essence of any supplementary question and any reply given.

## **13. Notice of Motions**

### **13.1 Notice**

Except for motions which can be moved without notice under Rule 14, written notice of every motion, signed by a Member of the Council giving the notice, must be delivered to the Chief Executive no later than 10 clear days before the date of the meeting.

E-signatures shall be acceptable for the purposes of this rule. Save that the Chair shall have the discretion to admit a motion to the Agenda by reason of special circumstances on the grounds of urgency, in accordance with the provisions of Part VA of the Local Government Act 1972, where they are satisfied that the matter will not admit of delay until the next meeting of Council.

A record of notices of motion shall be kept.

Only one Motion may be submitted per Member per meeting.

### **13.2 Number of Motions**

A maximum of five motions shall be accepted for debate at an ordinary meeting of the Council under this procedure rule. Motions will be accepted in the order in which notice of the full written motion is received.

### **13.3. Similar Motions**

Where similar motions have been submitted, the Chief Executive will liaise with the Chair and is authorised to ask the proposers to work together to agree a mutually agreeable form of words. Where that does not prove possible, the Chair shall decide which motion shall be accepted.

### **13.4 Motion Set Out in the Agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it at a later meeting or withdraw it. Subject to a written proposal by the Councillor to move it at a later meeting, any motion not moved at the relevant meeting shall be deemed to be withdrawn.

### 13.5 Scope

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

The Chair, having regard to the advice of the Chief Executive may reject a motion if it:

- (a) is not about a matter for which the local authority has a responsibility, or which affects the district;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a motion which has been put at the meeting or a meeting of the Council in the past six months. (This does not apply to motions moved in pursuance of a recommendation of Cabinet, a Committee or a Chief Officer or motions which have been withdrawn from a previous meeting);
- (d) requires the disclosure of confidential or exempt information;
- (e) would, if carried, commit the Council to a course or courses of action contrary to agreed processes or outside its authority to act; or
- (f) relates to a planning or licensing application which has yet to be determined.

### 13.6 Time limit

A maximum period of 30 minutes shall be allowed for each motion to be moved, seconded and debated, including dealing with any amendments. At the expiry of the 30-minute period, debate shall cease immediately, the mover of the original motion shall have the right of reply before the motion or amendment is put to the vote. If the original motion has been amended, the mover of the amendment now forming the substantive motion shall have the right of reply before it is put to the vote.

## 14. Motions Without Notice

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to defer consideration of an item of business;
- (g) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (h) to withdraw a motion;
- (i) to amend a motion;
- (j) to proceed to the next business;
- (k) that the question be now put;
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) that the meeting (evenings only) continue beyond three hours in duration;
- (o) to suspend a particular Council Procedure Rule;
- (p) to exclude the public and press in accordance with the Access to Information Rules;
- (q) to not hear further a Member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and

- (r) to give the consent of the Council where its consent is required by this Constitution.

## **15. Rules of Debate**

### **15.1 No Speeches until Motion Seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

### **15.2 Right to require Motion in Writing**

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

### **15.3 Secunder's Speech**

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

### **15.4 Content and Length of Speeches**

- (a) Speeches must be directed to the question under discussion or to a personal explanation, point of order or point of information.
- (b) Except by consent of the Council no speech shall exceed five minutes in the case of the mover of a motion or amendment and three minutes in all other cases including seconds.

### **15.5 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; or
- (b) to move a further amendment if the motion has been amended since they last spoke; or
- (c) if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried); or
- (d) at the Chair's discretion, in the case of the Leader, Cabinet member or committee chair, to respond to a factual question directly addressed to them; or
- (e) in exercise of a right of reply; or
- (f) on a point of order; or
- (g) at the Chair's discretion, to make a point of information;
- (h) by way of personal explanation; or
- (i) to move a Motion under Procedure Rule 15.10 (Motions which may be moved during debate).

## 15.6 Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration; or
  - (ii) to leave out words; or
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) The Chair may request the mover and seconder of the original motion to indicate whether they are prepared to accept the amendment through its incorporation into their motion. If they are willing to do so, the original motion shall stand altered accordingly, the amendment shall be deemed withdrawn and debate proceed on the original motion, as altered. If they are not willing to do so, consideration of the amendment shall proceed in accordance with the normal rules of 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. This becomes the substantive motion to which any further amendments are moved.
- (f) After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

## 15.7 Alteration of Motion

- (a) A Member may alter a motion of which they have 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 they have 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.

## 15.8 Withdrawal of Motion

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

## 15.9 Right of Reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on their amendment.

#### **15.10 Motions which may be moved during debate**

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting (evenings only) continue beyond three hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a Member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

#### **15.11 Closure Motions**

- (a) A Member may, provided that they have not already spoken, move without comment at the end of a speech of another Member the following motions:
  - (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 Chair 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. The Chair may reject the procedural motion if they think that the matter before the meeting has not been sufficiently discussed.
- (c) If a motion that the question be now put is seconded and the Chair 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 their motion to the vote. The Chair may reject the procedural motion if they think that the matter before the meeting has not been sufficiently discussed.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

## **15.12 Point of Order**

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

## **15.13 Point of information**

A point of information may only be made where a Member is aware that the Council has incorrect information before it on a material point. A Member may ask to raise a point of information at any time by standing and stating, "Point of Information", but shall be permitted to speak only at the Chair's discretion. The Member who raises the point of information must be able to cite evidence to support their statement. The point of information may be raised whilst another Member is speaking but only if that Member is willing to give way. The ruling of the Chair on the admissibility of a point of information shall be final.

## **15.14 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. The ruling of the Chair on the admissibility of a personal explanation will be final.

# **16. Previous Decisions and Motions**

## **16.1 Motion to Rescind a Previous Decision**

A motion or amendment to rescind or reverse, or which has the effect of rescinding or reversing a decision of the Council made within the preceding six months cannot be moved unless there has been a material change in circumstances and the notice of motion is signed by at least one third of all Members or unless it is a recommendation of a Committee or the Cabinet which appears on the agenda.

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

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the preceding six months cannot be moved unless the notice of motion or amendment is signed by at least one third of Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

# **17. Voting**

## **17.1 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.

## **17.2 Chair's Casting Vote**

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

## **17.3 Show of Hands**

Unless a secret ballot is required under Rule 17.4 or a recorded vote is demanded under 17.5, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

## **17.4 Voting on Member Appointments**

- (a) Where more than one person is nominated for any appointment made by the Council, voting shall be by secret ballot.
- (b) Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.

## **17.5 Recorded Vote**

- (a) Except as provided for in Rule 17.4, if four Members present at the meeting demand it, the names for and against the motion or amendment and those abstaining from voting will be taken down in writing and entered in the minutes.
- (b) In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote will be mandatory when setting the Council's Budget each year. This mandatory provision applies to not only the substantive motion, but any amendments made thereto.

## **17.6 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.

# **18. Minutes**

## **18.1 Signing the Minutes**

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair 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.

## **18.2 No requirement to sign Minutes of previous Meeting at Extraordinary Meeting**

There shall be no requirement to sign the minutes of a previous ordinary meeting at an extraordinary meeting of the Council convened under Rule 4 above. Any

unsigned minutes of previous ordinary meetings and the minutes of the extraordinary meeting shall be signed at the next ordinary meeting.

## **19. 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.

## **20. Exclusion of Public**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 22 (Disturbance by Public).

## **21. Members' Conduct**

### **21.1 Standing to Speak**

When a Member speaks at full Council they must stand if able to do so and address the meeting through the Chair. If more than one Member stands, the Chair shall ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a personal explanation or a point of information.

### **21.2 Chair Standing**

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

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

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

### **21.4 Member to Leave the Meeting**

If the Member continues to behave improperly after such a motion is carried, the Chair may either move that the Member leaves the meeting (in which case the motion shall be put and determined without seconding or discussion) or adjourn the meeting for such period as they, in their discretion, shall consider expedient.

### **21.5 General Disturbance**

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary. An adjournment in these circumstances shall not require a motion to be passed.

### **21.6 Smoking**

In accordance with the Council's Smoking Policy and national legislation, smoking is not allowed at any time in any part of the Council's buildings and offices by Members, officers or visitors.



## **22. Disturbance by Public**

### **22.1 Removal of Member of the Public**

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

### **22.2 Clearance of part of Meeting Room**

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

### **22.3 Banners, placards, etc**

No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The Chair may require any such items to be removed.

## **23. Suspension and Amendment of Council Procedure Rules**

### **23.1 Suspension**

All of these Council Procedure Rules except Rule 17.6 and 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Councillors are present. Suspension can only be for the duration of the meeting.

### **23.2 Amendment**

Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council if not coming forward as part of a recommendation of a Committee.

## **24. Recording, Filming, Broadcasting and Reporting of Council and Committee Meetings**

### **24.1 Public Rights**

- (a) With the knowledge of all persons present at a meeting, the public have the right to record, film, broadcast and report meetings of the Council that are open to the public, which includes the use of digital and social media recording tools such as Twitter, blogging etc.
- (b) Members of the public are recommended to give prior notice to film or audio record meetings so that necessary arrangements can be made to reduce disruption and possible prohibition at the commencement of the meeting.
- (c) The Chair of the meeting will have absolute discretion to terminate or suspend any activity if, in their opinion, continuing to do so would prejudice proceedings at the meeting or cause disruption to officers, Councillors or other members of the public present.
- (d) While those attending Council and Committee meetings are deemed to have consented to the filming, recording or broadcasting of meetings, those exercising the rights to film, record and broadcast must respect the rights of other people attending under the Data Protection Act 1998.

- (e) Any person or organisation choosing to film, record or broadcast any meeting of the Council is responsible for any claims or other liability from them so doing.

## **24.2 Council**

Where technology facilities allow, the Council will live-stream, audio record and/or video all formal Council meetings held in the Council Chamber. All recordings / video footage will be made available on the Council's website as soon as possible and within one week of each meeting. The recording and/or video of an item of business (or part of an item of business) which is considered in private in accordance with the Access to Information Rules contained within Part 4-2 of this Constitution will not be made publicly available.

## **25. Cancellation of Meetings**

25.1 The Chief Executive is authorised to cancel a meeting, giving reasons, before the agenda has been published, following consultation with the Chair.

25.2 Where, in exceptional circumstances, such as severe weather or other disruptive circumstances, it is necessary to cancel a meeting after the agenda has been published, the Chief Executive shall be authorised to do so, following consultation with the Chair. The notice advising of the cancellation shall specify the exceptional circumstances in which the decision was taken. Outstanding business shall be held over to the next scheduled meeting or considered at a reconvened meeting on a date to be arranged which satisfies the notice requirements set out in the Local Government Act 1972 and Access to Information Rule 4.

## **26. Interpretation of Council or Other Procedure Rules**

The ruling of the Chair as to the construction or application of the Council or other Procedure Rules, or as to any proceedings of the Council or a Committee shall not be challenged at any meeting of the Council or of a Committee.