

Part 4(1)

Council Procedure Rules

Index

By Council Procedure Rule number

1. Amendment, revocation, and addition to Council Procedure Rules
2. Suspension of Council Procedure Rules
3. Quorum of Council and committee meetings
4. Types of and time and place of Council meetings
5. Order of business at Council meetings
6. Appointment of Mayor and Deputy Mayor

7. Appointment of committees,
8. Time and place of committee meetings
9. Record of, and attendance at meetings
10. Appointment of substitute members at committee meetings
11. Arrangements for chairing committees
12. Committee agenda
13. Members' right to place items on committee agenda
14. Reference up of decisions
15. Motions requiring notice at Council
16. Motions and amendments which may be moved without notice at Council and committees (and 6 month rule)
17. Rules of debate at Council and committee meetings
18. Members' conduct and additional rules of debate at Council meetings
19. Voting at meetings of Council and committees
20. Minutes of Council and committees
21. Public deputations, petitions, questions at ordinary Council meetings
22. Prevention of disorderly conduct at Council and committee meetings
23. Prevention of business of objectionable nature at Council and committee meetings
24. Use of televised and sound recordings at Council and committees
25. Assistance to political groups
26. Seal of the Council
27. Attestation of documents
28. Papers and advice
29. Call-in of decisions

5

6

Council Procedure Rule 1 Amendment, revocation and addition to Council Procedure Rules

- (1) No arrangements shall be made whereby a committee or officer may exercise any power of the Council to vary revoke or add to these procedure rules.

- (2) Except where it is in accordance with a recommendation of a committee (or Officer report to Council, any motion to amend, revoke or add to these procedure rules, when moved and seconded, shall stand adjourned without further discussion to the next ordinary meeting of the Council, and shall stand referred to such committee as the Council shall direct for report to that meeting.

Relevant statute: the 1972 Act, section 106 and schedule 12, paragraph 42

Council Procedure Rule 2

Suspension of Council Procedure Rules

- (1) This procedure rule and Council Procedure Rules 19(5) (recorded votes) 20(2) (signing of minutes) are not capable of being suspended.
- (2)
 - a) Subject to paragraph 2 (c) of this procedure rule any of the Council Procedure Rules may be suspended so far as regards any business at the meeting at which its suspension is moved;
 - (b) The reason for the suspension shall be recorded in the minutes;
 - (c) A motion to suspend any Council Procedure Rule shall not be moved without written notice set out on the agenda unless there shall be present at least a quorum (10) of the Council.
- (3) A suspension under paragraph (2) shall have the effect that the procedure rule suspended is not in force during the period of suspension. A suspension under paragraph (2) shall last for the period specified in the resolution to suspend the procedure rule, which shall not extend beyond the next meeting of the Council; if no period is specified the suspension shall last only for the meeting at which it is adopted.
- (4) The ruling of the person presiding at any meeting as to the construction or application of any of the Council Procedure Rules shall be final.

Council Procedure Rule 17(16) deals with “debate on committee resolutions”.

Council Procedure Rule 3

Quorum of Council and committee meetings

Quorum

- (1) Subject to paragraph (2) below:
 - (a) the quorum of the Council shall be ten;

- (b) the quorum for committees with a membership of between nine and twelve shall be four;
 - (c) the quorum for the Audit Committee shall be three
 - (d) the quorum for the Licensing sub-committees shall be three;
 - (e) the quorum for a meeting of the Standards Committee and Standards sub-committee shall be three.
- (2) If, during any meeting of the Council or committee the person presiding, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned for 15 minutes or any earlier time at which the person presiding determines that the meeting is quorate.
 - (3) If after 15 minutes the person presiding, after again counting the number of Members present, declares that there is still no quorum present, the meeting shall end.
 - (4) Any remaining business will be considered at a time and date fixed by the person presiding. If he does not fix a date the remaining business will be considered at the next ordinary scheduled meeting.

Relevant statute: the 1972 Act schedule 12 paragraph 6
 Relevant Authorities (Standards Committees) Regulations 2001

Council Procedure Rule 4

Types of, and time and place of Council meetings

The Council shall in every year hold:

- (1) an Annual Meeting; (in a year when there is an ordinary election of Councillors, the Annual Meeting will take place between 8 and 21 days following the retirement of the outgoing councillors. In any other year, the Annual Meeting will take place in May)
- (2) a meeting at which the council tax base for the ensuing year is determined (unless otherwise delegated to the Council Tax Setting Panel)
- (3) ordinary meetings on such days and at such hours as the Council shall determine; and
- (4) extraordinary/special Council meetings called by the Head of Paid Service on the requisition of:
 - the Council by resolution;

- the Mayor;
- the Monitoring Officer;
- the Chief Finance Officer; or
- any five Members if they have signed a requisition presented to the Mayor and the Mayor refuses or fails to call a meeting within seven days of the presentation of the requisition.

Relevant statute: the 1972 Act, section 99 and schedule 12, paragraphs 1, 2 and 3

NB: the calling of Committee meetings is dealt with under Council Procedure Rule 8

Council Procedure Rule 5

Order of business at Council meetings

- (1) All Council meetings shall be preceded by prayers.
- (2) The order of business at every meeting of the Council shall be:
 - (a) in the absence (or inability to act) of the Mayor and Deputy Mayor, to choose a Member of the Council to preside. (The person so chosen shall relinquish the chair upon the arrival of the Mayor or Deputy Mayor or on their disability ceasing). (See also Rule 6 for appointment of Mayor and Deputy Mayor);
 - (b) at the Annual Meeting, and at any other meeting which is the first after the office of Mayor shall have become vacant, to elect a Mayor.
 - (c) at the Annual Meeting, and at any other meeting which is the first after the office of Deputy Mayor shall have become vacant, to appoint a Deputy Mayor.

Unless the Council otherwise orders without dissent, the order of other business at Council meetings shall be:

- (d) to receive apologies for absence;
- (e) to receive declarations of interest;
- (f) to approve as a correct record and to sign the minutes of the last ordinary meeting of the Council and any extraordinary meeting held since;
- (g) to receive communications from the Mayor;
- (h) to receive any business required by statute to be done before any other business;
- (i) business brought forward by or with the consent of the Mayor;
- (j) at the Annual Meeting, to adopt the Constitution;
- (k) to respond to any questions submitted by the public and to receive depositions or petitions under Council Procedure Rule 21;
- (l) to consider motions of which notice has been submitted by Members of the Council in accordance with Council Procedure Rule 15 in the order in which they are recorded as having been received unless such motions:

- (i) are in reference to an item appearing in a committee report when they shall be considered at the time the report is considered, or
- (ii) are related to any deputation or petition received at the meeting (in accordance with Rule 21) when they shall be considered with that item if the person presiding so directs;
- (m) where the meeting has been called by Members under the provisions of schedule 12 of the 1972 Act to consider the business specified in the summons;
- (n) to consider any other business required to be done by statute not otherwise referred to in this rule;
- (o) where the meeting is the last ordinary meeting before 2 April in any year, and where the Council has not set an amount for council tax for the ensuing financial year, to consider the setting of such amount;
- (p) to receive Chairmen’s replies to any questions by Members submitted under Procedure Rule 21;
- (q) to consider items of business which were on the agenda of the previous meeting of the Council and which were not disposed of or did not lapse;
- (r) to receive and consider reports, minutes and recommendations of committees and to receive questions and answers on any of those reports, (subject to Council Procedure Rule 17(16) on debate on committee resolutions);
- (s) to approve the rule on substitution of Members (Council Procedure Rule 10);
- (t) to consider any other business specified in the Summons for the meeting.

Relevant statute: the 1972 Act, sections 4(1), 23(1), 100 B (4); schedule 12 paragraph 4(2)

Council Procedure Rule 6

Appointment of Mayor and Deputy Mayor

- (1) (a) The Mayor and the Deputy Mayor of the Council shall be elected annually by the Council from among the Members.
- (b) The Mayor shall, unless s/he resigns or becomes disqualified, continue in office until his/her successor becomes entitled to act as Mayor.

- (c) The Deputy Mayor shall, unless s/he resigns or becomes disqualified, hold office until immediately after the election of the Mayor at the next annual meeting.
 - (d) During their terms of office, the Mayor and Deputy Mayor of the Council shall continue to be Members of the Council notwithstanding the statutory provisions relating to the retirement of Councillors.
 - (e) During the election of a Mayor, if the existing Mayor is a candidate s/he shall nonetheless continue to preside, but in the case of an equality of votes s/he may not use his/her casting vote and the result shall be determined by the drawing of lots.
- (2)
- (a) Any power of the Mayor in relation to the conduct of a meeting of the Council may be exercised by the person presiding at the meeting.
 - (b) If it is necessary to choose a Member of the Council to preside in the absence of the Mayor and Deputy Mayor, the Head of Paid Service shall call for nominations and seconds for a Member of the Council present to take the chair and normal voting procedures shall apply. (See Council Procedure Rule 19)
 - (c) If discussion arises on that motion, the Head of Paid Service shall exercise the powers of the person presiding to regulate that discussion and to maintain order at the meeting, but shall not vote.

Relevant statute: the 1972 Act, sections 3, 4, 5, 22, 23 and 24

Council Procedure Rule 7

Appointment of committees

- (1) The Council at its Annual Meeting shall:
 - (a) resolve what committees shall be appointed, their terms of reference and powers of delegation (see part 3 of the Constitution), and the number of Members to be appointed to them;
 - (b) decide the allocation of seats to political groups in accordance with the political balance rules;
 - (c) receive nominations of Members to be appointed to each committee and appoint Members to those committees accordingly;
 - (d) elect Members who are not members of any political group to any vacancies then unfilled on committees;
 - (e) appoint Chairmen and Vice-Chairmen to the committees;
 - (f) receive nominations and appoint Members to serve on outside bodies (except where appointment to those bodies has been delegated by the Council);
 - (g) determine the Delegation Scheme and the powers and duties to be delegated to officers (see Part 3 of the Constitution).
- (2) The arrangements made at the Annual Meeting under paragraph (1) shall remain in force until the next Annual Meeting unless the Council resolves otherwise at any ordinary meeting or any extraordinary meeting called for the purpose.
- (3) Whenever the Council is required to review the allocation of seats on committees between political groups the Head of Paid Service shall submit a report to the Council or Committee (as the case may be) showing what allocation of seats would, in his opinion, best meet the requirements of the 1989 Act and the Council or Committee shall determine the allocation of seats having regard to his advice.
- (4) Whenever an appointment of a member of a committee falls to be made or terminated in accordance with the wishes of a political group to whom the seat has been allocated, the Head of Paid Service shall make or terminate the appointment accordingly and shall report to the next available meeting of Council.
- (5) Each committee shall have the right to seek any variation of its terms of reference and powers of delegation such to be considered at the next ordinary meeting of the Council or at an extraordinary meeting called for that purpose.

Relevant statutes: the 1972 Act, sections 100G(2); 101(1), (2) (4); 102 (1) (4); the 1989 Act section 15

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Council Procedure Rule 8

Time and place of Committee meetings

- (1) Subject to 8(2) below, the Council shall at one of its ordinary meetings adopt a schedule of the date, time and place of ordinary meetings of committees for the ensuing year.
- (2) The date, time and place of any ordinary meeting of a committee may be altered by the Chairman of the committee.
- (3) A special meeting of a committee may be called:
 - (a) by the Mayor or Deputy Mayor of the Council or the Chairman or Vice-of a Committee,
 - (b) on the requisition of a quorum of a committee, such requisition to be submitted to the Head of Paid Service in writing, or
 - (c) by the Head of Paid Service who may give notice of a special meeting of any committee upon any emergency or special circumstance.
- (4) The notice for a special meeting of any committee shall set out the business to be considered, and no business other than that indicated, or any consequential matters arising, shall be considered at the meeting.
- (5) Notice of meetings will be given in accordance with the Access to Information Procedure Rules (rule 3)

NB: the calling of Council meetings is dealt with under Council Procedure Rule 4

Council Procedure Rule 9

Record of, and attendance at meetings

- (1) Every Member present during the whole or part of a Council or Committee meeting must sign his/her name on the attendance sheets before the end of every meeting in order to assist with the record of attendance.
- (2) Any Member of the Council shall be entitled to attend (but not to speak or vote) at any meeting of any committee of which s/he is not a Member.
- (3) Unless otherwise provided for in this Constitution, a Member who is not a Member of the committee may speak at a meeting of the committee (but not vote, move or second motions):
 - (i) during the consideration of any motion of which notice has been given which s/he has moved or seconded at a meeting of the Council and which has been referred to that meeting, or
 - (ii) with the agreement of the person presiding at the meeting, or
 - (iii) during the consideration of any matter specifically (wholly or partly) affecting his/her ward.
- (4) Members attending a meeting of a committee under this procedure rule shall not be affected by a resolution of the committee excluding Members of the public and press from the meeting.

Relevant statute: schedule 12 paragraph 40 the 1972 Act

Council Procedure Rule 10

Appointment of substitute Members at committee meetings

- (1) Subject to the following rules, any Member of the Council may act as a substitute for another Member (provided that they are Members of the same political group) at any meeting of a committee (or other body constituted by the Council or its committees) other than a meeting of the Hub Committee Overview & Scrutiny Committees, Standards Committee (or its sub-committees) or Licensing subcommittees.
- (2) A Member may act as a substitute at a meeting of any body to which the Council nominates or appoints Members (provided that the rules of that body so permit). In such a case the substitute need not be a member of the same political group as the member being replaced provided the substitution is agreed and notified by the political group to which the member being replaced belongs.
- (3) In the case of substitution to the Development Management & Licensing Committee the substitute must be of a member agreed by the Head of Paid Service to be qualified by training or experience to take part in the Committee's work.
- (4) In the case of substitution to the Audit Committee the substitute must be of a member agreed by the Chief Finance Officer (151 Officer) to be qualified by training or experience to take part in the committee's work.
- (5) A substitute may only be appointed when an appointed Member of the Council, Committee or one of the bodies named in (2) or (3) above is not able to attend and the substitute appointment shall last only for that meeting.
- (6) A substitute Member may be selected from the whole of the membership of a political group except for substitutes to the Development Management and Licensing Committee which may only be selected from the list of substitutes agreed at the Annual Council meeting.
- (7) Before the start of any meeting for which a substitute has been appointed, the Leader of the political group concerned (or a person authorised by them in writing) shall inform the Head of Paid Service in writing of the substitution or, in case of an outside body, shall arrange to conform with that body's requirements.
- (8) At the start of any meeting for which a substitution has been arranged in accordance with these rules, the Head of Paid Service, or Senior Specialist, Democratic Services (or his/her representative), shall announce that the absent Member apologises for his/her absence and that the named councillor has been appointed to serve as his substitute.
- (9) If the absent Member is subsequently able to attend a meeting for which a substitute has been appointed and s/he is present for the start of the meeting (and before the announcement in (8) has been made) then, with the agreement of the nominated substitute, s/he can be re-instated and take part in the meeting

- (10) If the absent Member is subsequently able to attend a meeting for which a substitute has been appointed, but arrives after the meeting has opened and the announcement been made in paragraph (8) above, s/he shall be entitled to attend the meeting and speak in accordance with Procedure Rule 9, but not vote.

Council Procedure Rule 11

Arrangements for chairing committees

- (1) At the Annual Meeting, the Council shall appoint a chairman to preside at the meetings of each committee and a vice-chairman to preside in the absence of the chairman.
- (2) If both the Chairman and the Vice Chairman are absent or unable to act, the Senior Specialist - Democratic Services (or his/her representative) shall call on a member of the committee to move that a member present at the meeting shall be appointed to preside.
- (3) If discussion arises, the Senior Specialist - Democratic Services (or his/her representative) shall exercise the powers of the person presiding to regulate that discussion, and to maintain order at the meeting but shall not vote.
- (4) The motion, and any amendments, shall be put to the meeting in accordance with Council Procedure Rule 19 (voting at meetings).
- (5) The person chosen to preside shall relinquish the chair on the arrival of the Chairman or Vice-Chairman.

Council Procedure Rule 12

Committee Agenda

- (1) The Head of Paid Service will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules (see part 4(2) of the Constitution).
- (2) At least five clear days before every meeting of a committee, or as soon as the meeting is called, the Head of Paid Service (or relevant officer) shall send to every Member and to every other person entitled to receive the papers of the committee a copy of the agenda for the meeting.
- (3) The agenda shall include:
 - (a) an item relating to declarations of interests;
 - (b) minutes from a previous ordinary or special meeting
 - (c) all items of business which have been referred to the committee by the Council or by another committee;
 - (d) all reports required for consideration of the agenda items tabled;
 - (e) any item required to be included on the agenda by a Member in accordance with Council Procedure Rule 13;
 - (f) any item of business directed to be included by the chairman of the committee.

Council Procedure Rule 13

- (4) Subject to any directions given by the chairman of the committee, the items of business shall be arranged in such order as the Head of Paid Service thinks will best ensure the effective despatch of business.

Relevant statute: the 1972 Act, section 100 E

Members' rights to place items on a Committee Agenda

- (1) A Member may require that an item be placed on a committee agenda on giving written notice to the Head of Paid Service eight clear days before the date of the meeting (except in cases of urgency determined by the Head of Paid Service in consultation with the Chairman) provided that the Head of Paid Service or Monitoring Officer shall determine whether or not the item can be properly considered by the committee and shall advise the chairman accordingly.
- (2) Paragraph (1) above shall not apply to the Overview & Scrutiny or the Standards Committee.

Council Procedure Rule 14

Reference up of decisions

- (1) Notwithstanding that a matter is delegated, a committee shall refer, by way of recommendation, a matter to Council for decision:
 - (i) immediately following a decision of a committee where a quorum of that committee so require, or
 - (ii) where five or more Members of the Council so require by written requisition delivered to the Head of Paid Service at least 24 hours prior to the commencement of the meeting.
- (2) Where the decision has been requested for referral to Council under this rule the matter is classed as “unresolved” and stands referred to the next ordinary meeting of Council for decision or to an extraordinary meeting called for that purpose.
- (3) The effect of such an action is that the power of the committee to determine the matter is cancelled. The committee will report to the Council meeting with a recommendation. The Council will receive all the papers in support of the item to be decided.

See also Council Procedure Rule 17(16) “Debate on Delegated Decisions”

Council Procedure Rule 15

Motions requiring notice at Council

- (1) Any Member of the Council may give notice of not more than one motion for consideration at any meeting of the Council.
- (2) Except for motions which can be moved without notice under Council Procedure Rule 16, notice of every motion to be moved at a meeting of the Council shall be given in writing, signed by the Member(s) giving the notice. The notice shall state for which meeting of the Council the notice is given.
- (3) Unless the person presiding at the meeting is of the opinion that a motion should be considered as a matter of urgency, notice of the motion shall be delivered to the Head of Paid Service at least eight clear days before the next meeting.
- (4) If notice is given of any motion which in the opinion of the Head of Paid Service or Monitoring Officer is illegal, improper, defamatory or does not comply with Procedure Rules, the Head of Paid Service shall immediately submit such notice to the Mayor and shall not place it on the Council agenda without his sanction. In the event of non-acceptance, the Head of Paid Service shall so inform the Member(s) who gave notice, giving reasons for the decision.
- (5) The Head of Paid Service shall record the time and date at which every such notice is delivered to him. That record shall be open to the inspection of every Member of the Council.
- (6) Every motion shall be relevant to some matter in relation to which the Council has functions, or which affects the area of the Council, or part of it, or the inhabitants of that area, or some of them.
- (7) Each motion shall be so drafted as to deal with one principal issue only.
- (8) Motions for which notice has been given and not withdrawn will be listed on the agenda in the order in which notice was received, unless the Member giving notice states in writing that he proposes to move it at a later meeting.
- (9) A motion shall only be moved by a Member by whom notice has been given, or by a Member authorised by such a Member.
- (10) Where notice of a motion has been given for any meeting, and that motion is neither moved (for whatever reason) nor deemed to have been referred to a committee, the notice shall lapse, and the motion shall not be moved without further notice.
- (11) No paper written or prepared by a Councillor which does not constitute a motion may be circulated or put before councillors at a meeting of Council.

Council Procedure Rule 16

Motions and amendments which may be moved without notice at Council and Committees

Description of motions and amendments

- (1) Subject to paragraph (10) below, the following motions and amendments may be moved without notice:
 - (a) to appoint a person to preside at the meeting at which the motion is made;
 - (b) in relation to the accuracy of the minutes;
 - (c) to change the order of business;
 - (d) arising out of business brought forward by the Chairman as items of urgency;
 - (e) to refer something to an appropriate committee, body or individual for consideration or reconsideration;
 - (f) to appoint a committee or its members, arising from an item mentioned in the agenda;
 - (g) to receive reports or adopt minutes and recommendations of committees or officers and any resolutions following from them;
 - (h) to withdraw a motion;
 - (i) to extend the time limit for speeches at Council;
 - (j) to amend a motion;
 - (k) to proceed to the next business;
 - (l) “that the vote now be taken”;
 - (m) “that the debate be now adjourned”;
 - (n) “that the meeting do now adjourn”;
 - (o) to suspend Council Procedure Rules subject to Procedure Rule 2 (2) and 2(3)

- (p) to exclude the public and press from a meeting in accordance with the Access to Information Rules (see part 4(2) of the Constitution);
 - (q) to give the consent of the Council, or committee where it is required by the Constitution;
 - (r) to refer a petition, which has been presented to the Council, to a committee for consideration;
 - (s) in relation to Council Procedure Rule 22 (prevention of disorderly conduct) that a named Member be not further heard, or do leave the meeting;
 - (t) that a motion, amendment or business of an objectionable nature be not entertained nor permitted under Council Procedure Rule 23.
- (2) On consideration of a report or recommendation from a committee or officer, the adoption of the report or recommendation and any resolutions consequential upon that adoption may be moved without notice.

Rules relating to amendments, alteration and withdrawal of motions

Amendments

- (3) (a) An amendment to a motion may be moved without notice, but shall be relevant to the motion and will either be:
- (i) to leave out words,
 - (ii) to leave out words and insert or add others,
 - (iii) to insert or add words,
- as long as the effect of (i) to (iii) is not to negate the motion.
- (b) Only one amendment can be moved, seconded and discussed at any one time.
 - (c) An amendment to a motion shall be put to the meeting before the motion to which it is an amendment.
 - (d) No further amendment may be moved until the amendment under discussion has been disposed of.
 - (e) If an amendment is not carried other amendments to the original motion may be moved.

- (f) 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.
- (g) After the amendment has been carried the person presiding will read out the amended motion before accepting any further amendment.
- (h) No Member shall move more than one amendment of the same substance to any motion, resolution or recommendation.

Alteration of motions

- (4) With the consent of the seconder, a Member may propose or accept an alteration to his/her motion.

Withdrawal of motions

- (5) With the consent of the seconder (if s/he is still present) and of the meeting, the mover of a motion or an amendment may withdraw it.

Time limits on motions and previous decisions

- (6) A motion or amendment to rescind a decision made at a meeting of the Council within the preceding six months, or which is to the same effect as one which has been rejected within that period, cannot be moved unless:
 - (a) it is recommended to Council by a committee, or
 - (b) notice of such motion has been given by as many Members as would constitute a quorum of the Council.
- (7) When a notice of motion proposed in accordance with sub-paragraph 6 above has been disposed of, no similar motion shall be proposed within a period of six months unless, in the opinion of the Head of Paid Service or the Monitoring Officer in consultation with the Mayor, the circumstances have so changed that the matter can be properly re-considered.
- (8) The ruling of the Mayor on the application of paragraphs 6 and 7 to any notice of motion shall be final.

Motions affecting employees of the Council

- (9) If any question arises at a meeting of the Council, or committee, as to the appointment, promotion, dismissal, remuneration, superannuation, conditions of service, or conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council has decided whether or not to exclude the public and press in accordance with the Access to Information rules.

Motions relating to the Council's budget

- (10) Where a Member intends to move a motion or amendment in relation to the budget, the text of that motion or amendment must be put in writing and submitted to the Head of Paid Service by 9.00 am on the third working day before the meeting, in order that Officers may have sufficient time to consider and advise the Council of the financial implications of any such motion or amendment.

Council Procedure Rule 17

Rules of debate at Council and Committee meetings

See Council procedure rule 18 for additional rules of debate and Members conduct at Council meetings

- (1) The rules of debate in this Council procedure rule shall apply to all meetings of the Council and committees.

No speeches until motion seconded

- (2) A motion or amendment shall not be discussed unless it has been proposed and seconded.

Right to require motion in writing

- (3) Unless notice of motion has already been given (in accordance with council procedure rule 15 (motions requiring notice), the person presiding may require it to be written down and handed to him/her before it is discussed or put to the meeting.

Seconders' speech

- (4) When seconding a motion or amendment, a Member may reserve his/her speech until a later period of the debate by declaring his/her intention to do so.

When a Member may speak again

- (5) A Member who has spoken on a motion at Council may not speak again unless in accordance with Council Procedure Rule 18(7)
- (6) A Member shall speak more than once on any motion or amendment at committee meetings only at the discretion of the Chairman.

Right of reply

- (7)
 - (a) The mover of a motion (or committee report) shall have a right of reply at the close of the debate on the motion (or committee report) immediately before it is put to the vote.
 - (b) The proposer of an amendment to a motion (or committee report) shall have a right of reply immediately before the amendment is put to the vote; the mover of the original motion (or committee report) shall have a right of reply to the debate on the amendment immediately before the right of reply of the proposer of the amendment.

- (c) A Member exercising a right of reply shall not introduce a new matter.

Motions which may be moved during a debate

- (8) (a) When a motion is under debate, no other motion shall be moved except the following:
- (i) to withdraw a motion;
 - (ii) to amend the motion;
 - (iii) to adjourn the meeting;
 - (iv) to adjourn the debate;
 - (v) to proceed to the next business;
 - (vi) that the vote now be taken;
 - (vii) that a Member be not further heard;
 - (viii) by the Chairman under Council Procedure Rule 16(1)(s), that a Member be not heard further or that he leave the meeting;
 - (ix) to exclude the public and the press in accordance with the Access to Information Rules;
 - (x) that the subject of debate be referred to a committee for consideration and report;

Closure motions

- (b) A Member may move without comment at the conclusion of a speech of another Member:
- (i) “that the vote now be taken”;
 - (ii) “that the debate be now adjourned”;
 - (iii) “that the meeting proceed to the next business”;
 - (iv) “that the meeting now adjourn”.

If any such motion is seconded, the person presiding shall (if satisfied that the question before the meeting has been sufficiently discussed or the circumstances justify such a motion, and subject to the right of reply) put that motion to the vote.

If carried, then in the case of a motion:

- (i) “that the vote now be taken” - the question before the meeting shall be put to the vote;
- (ii) “that the debate be now adjourned“ - the subject of debate shall not be further discussed at that meeting;
- (iii) “to proceed to next business“ - the subject of debate shall be deemed to be disposed of;
- (iv) “that the meeting now adjourn“ - the meeting shall stand adjourned as the case may be.

Speeches

- (9) If two or more Members wish to speak at the same time, the person presiding shall call on one to speak.
- (10) A Member shall direct his/her speech to the question under discussion or to a point of order, a point of information or in personal explanation.

Points of order, information, personal explanation and questions

Point of order

- (11) A Member may speak on a point of order, at any time and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of these Procedural rules or the law. The Member must indicate the rule or law and the way in which s/he considers that it has been broken.

Personal explanation

- (12) A personal explanation may be made at any time. A personal explanation shall be confined to some material part of an earlier speech by the Member which may appear to have been misunderstood in the current debate.
- (13) The ruling of the person presiding on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

Relevant questions

- (14) A Member may ask a question relevant to the discussion and shall be heard immediately if:
 - (a) the Member speaking is prepared to yield to the Member asking the question; or

- (b) the person presiding directs that the question be asked and answered.

Point of information

- (15) A Member may offer a point of information relevant to the discussion and shall be heard immediately if:
- (a) the Member speaking is prepared to yield to the point of information; or
 - (b) the person presiding directs that the point be heard.

Debate on committee resolutions

- (16) (a) Committees acting under delegated powers shall report their decisions to Council by way of resolutions. Such resolutions shall not be subject to debate at Council unless:
- (i) a Member gives written notice to the Head of Paid Service by not later than 12 noon five clear days preceding the meeting of the Council to which the report is to be presented (or such notice to be given within three clear days of the decision concerned) of his intention to seek suspension of council procedure rules for this purpose, and
 - (ii) at the meeting the motion to suspend council procedure rule is carried by a majority of Members present at the meeting.
- (b) This procedure shall not be available in respect of a resolution upon which the Council has already taken executive action at the time notice is given, and nothing in this procedure rule/standing order shall prejudice the rights of Members under procedure rules 17(11), (12), (13) and (15) (point of order, personal explanation and point of information).

(See also Council Procedure Rule 14 - (reference up of decisions))

Council Procedure Rule 18

Members' conduct and additional rules of debate at Council meetings

- (1) A Member shall stand when speaking (unless it would be unreasonable to require a Member to do so) and shall address the meeting through the Mayor.

- (2) If two or more Members rise, the Mayor shall decide the order in which they shall speak and the other(s) shall then sit.
- (3) Whilst a Member is speaking, the other Members shall remain seated, unless rising to a point of order, a point of information or in personal explanation.
- (4) Whenever the Mayor rises during a debate, a Member then standing shall resume his/her seat, and the Council shall be silent.
- (5) Except with the consent of the Council, signified without comment, the mover of a motion shall not speak for more than ten minutes and no other speaker shall speak for more than five minutes.
- (6) At the discretion of the Mayor the mover of an amendment may speak for ten minutes.

When a Member may speak again

- (7) A Member shall not speak more than once on any motion or amendment except:
 - (a) when seconding a motion to reserve his/her speech until a later period (Council Procedure Rule 17 (4));
 - (b) when exercising the right of reply (Council Procedure Rule 17 (7));
 - (c) on a point of order or information (Council Procedure Rules 17 (11) and (15));
 - (d) by way of personal explanation (Procedure Rule 17 (12) and (13));
 - (e) to move any of the resolutions mentioned in Council Procedure rule 16 (1) (motions moved without notice);
 - (f) to ask a question (Council Procedure Rule 17 (14));
 - (g) to speak once on an amendment moved by another Member;
 - (h) to move a further amendment;
 - (i) 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 s/he spoke was carried).

Council Procedure rule 19

Voting at meetings of Council and Committees

Majority

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

Chairman’s second or casting vote

- (2) If there are equal numbers of votes for and against, the person presiding will have a second or casting vote.

Show of hands

- (3) Unless a ballot or recorded vote is demanded under the Council Procedure Rules 19(4) and 19(5), the person presiding will take the vote by a show of hands. Except for recorded voting (see below) abstentions do not count and shall not be called for.

Ballots

- (4) The vote will take place by ballot if a quorum of the meeting demands it. The person presiding will announce the numerical result of the ballot immediately the result is known.

Recorded Vote

- (5) If, before a vote is taken:
- (a) a quorum of the meeting demand it, or
 - (b) there may be a legal implication on the advice of the Head of Paid Service, Monitoring Officer or their representative,

the names for and against the motion or amendment or those abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot except when voting for appointment, when a demand for a ballot shall prevail. The process for taking Recorded Votes is as follows:

Step 1 – a ‘Recorded Vote’ is called for;

Step 2 – all Members receive a named Voting Paper;

Step 3 – all Members complete their Voting Paper;

Step 4 – all Voting Papers are collected;

Step 5 – all Votes are read to the meeting and collated; and Step 6 – result of vote declared.

- (c) Decisions relating to the Budget and Council Tax Levels will be taken by a recorded vote (SI 2014/165)

Right to require individual vote to be recorded

- (6) Where any Member requests it immediately after the vote is taken, his/her vote will be recorded in the minutes to show whether s/he voted for or against the motion or abstained from voting.

Voting on appointments

- (7) Where a vote is required on a motion to appoint or elect a Member of the Council to a position to be filled by the Council, and there are two or more Members nominated for

that position, the names of all those nominated shall be put to the meeting in alphabetical order of surname. Those entitled to vote shall each vote for only one person. If there is not a majority of those voting in favour of one person, the name of the person having the least 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.

Meaning of “quorum of the meeting”

“Quorum of the meeting” in this Rule means one quarter of the number of Members present at the meeting.

Relevant statutes: schedule 12 paragraphs 39, and 44 of the 1972 Act.

Local Authorities (Standing Orders) Regulations 1993 schedule 2 paragraph 1. Local Authorities (Standing Orders) (England) Regulations 2014

Council Procedure Rule 20

Minutes of Council and committees

- (1) Minutes of every meeting of the Council, or committee shall be submitted to, and signed at, that meeting or at the next ordinary meeting of the body concerned.
- (2) Where, in relation to any meeting of the Council, the next such meeting is an extraordinary meeting (called under paragraph 3 of schedule 12 of the 1972 Act) the next following meeting of the Council shall be treated as a suitable meeting for signing minutes.
- (3) The person presiding or any Member who attended shall propose that the minutes of the previous meeting of the Council, or committee be approved and signed by the person presiding as a correct record.
- (4) No discussion shall take place upon the minutes except upon their accuracy.
- (5) When any question of accuracy has been resolved, the person presiding shall sign the minutes (amended if necessary) as a correct record.

Form of Minutes

- (6) Council minutes will contain all motions and amendments in the exact form and order the person presiding put them.
- (7) The minutes of proceedings when the meeting was not open to the public, or which disclose exempt or confidential information, may not be made available to the public but a summary of the proceedings will be made available where the minutes open to inspection do not provide a reasonably fair and coherent record - See the Access to Information Rules.

Relevant statute: schedule 12, paragraphs 41(1), 41(4) and 44 of the 1972 Act.

Council Procedure Rule 21

Public deputations, petitions, questions at Council meetings

1. Deputations

- (1) Deputations may be received at Council meetings provided that:
 - (a) notice is received in writing by the Head of Paid Service eight clear days before the meeting giving the subject to be raised;
 - (b) the subject is not related to a specific planning, licensing or other application under consideration by the Council;
 - (c) the subject does not raise an issue of conduct by Members or officers. (Matters relating to the conduct of officers should be referred to the Head of Paid Service and those relating to conduct of Members should be referred to the Standards Committee and in accordance with the Code of Conduct (see part 5 of the Constitution));
 - (d) the subject does not raise an issue in the nature of a complaint. (Complaints should be referred to the Council's Complaints Procedure in the first instance. In a case where the complaint involves the Head of Paid Service the matter should be referred to the Monitoring Officer in the first instance);
 - (e) the subject does not relate to the appointment, promotion, dismissal, remuneration, conditions of service or conduct of officers;
 - (f) the subject relates to a power or duty exercised by the Council or seeks the support of the Council in influencing other public bodies.
- (2) The number of the deputation shall not exceed five, of whom only one shall speak for no longer than five minutes.
- (3) There shall be no discussion on any matter raised by the deputation, but any Member may move without notice a motion for the manner in which the Council should dispose of the item.

2. Petitions

- (1) A petition may be made to the Council provided that the petition includes:
 - A clear and concise statement on the subject of the petition
 - The statement should include the action that the petitioners wish the Council to take.

- Name, address and signature of any person supporting the petition (who must be persons living, working or studying in the Borough of West Devon)
 - Contact details and address of the petition organiser
 - A clear statement as to whether the petition organiser wishes to present the petition to a Council meeting and/or whether the petition organiser requests a Councillor to present the petition
- (2) The Council will refuse to accept a petition where the petition:
- Relates to:
 - o A planning or licensing application
 - o A statutory petition (for example, requesting a referendum)
 - o A matter where there is an existing right of appeal
 - Is considered vexatious, abusive, or otherwise inappropriate (as determined by the Monitoring Officer)
 - Is substantially the same as a petition submitted in the previous 12 months
- (3) The Council may respond to the petition in one of more of the following ways:
- Taking the action requested in the petition
 - Considering the petition at a Council meeting
 - Undertaking research into the matter
 - Holding a public meeting
 - Holding a consultation
 - Holding a meeting with the petitioners
 - Refer the matter for consideration by the Overview & Scrutiny Committee
 - Not taking any action
 - The Head of Paid Service has a discretion to deal with petitions differently in the period immediately before an election or referendum (the ‘purdah’ period)

Further guidance on Petitions is set out on the Council’s website.

3. Questions

- (1) Questions may be asked at a meeting of the Council by any person (including Members) provided that:
- (a) unless the question is asked by a Member, the name of the questioner appears in the current register of electors for West Devon
 - (b) the question is in writing, and delivered eight clear days before the meeting to the Head of Paid Service, who shall note the date and time of receipt (but note that there is no requirement to answer questions in sequence);
 - (c) the subject does not raise an issue of conduct by Members or officers. (Matters relating to the conduct of officers should be referred to the Head of Paid Service and those relating to conduct of Members should be referred to the Standards Committee in accordance with the Code of Conduct (see part 5 of the Constitution));
 - (d) the subject does not raise an issue in the nature of a complaint. (Complaints should be referred to the Council’s Complaints Procedure in the first instance. In a case where the complaint involves the Head of Paid Service the matter should be referred to the Monitoring Officer in the first instance);

- (e) the subject does not relate to the appointment, promotion, dismissal, remuneration, conditions of service or conduct of officers;
 - (f) the subject relates to a power or duty exercised by the Council or seeks the support of the Council in influencing other public bodies.
- (2) Questions shall be directed to a Member nominated by the Head of Paid Service in consultation with the Mayor, who may answer in writing at the meeting, or undertake to do so within seven days, or decline to offer an answer, giving reasons.
- (3) There shall be no discussion on any question or answer but, at the discretion of the Mayor, a supplementary question may be asked by the person submitting the question. Any Member may move that a matter raised by a question be referred to the appropriate committee. Once seconded, such a motion will be voted on without discussion.
- (4) After 15 minutes from the start of the first question, no further questions shall be received at that meeting from members of the public unless the person presiding decides otherwise.
- (5) Members of the Council may, in addition, ask the Chairman of a Committee questions without notice of a report to the Council provided the question is relevant to the report and is put before the Council's consideration of it is concluded.

Council Procedure Rule 22

Prevention of disorderly conduct at Council and committee meetings

Misconduct by a Member

- (1) If the person presiding is of the opinion that a Member:
- persistently disregards the ruling of the chair,
 - is behaving irregularly, improperly or offensively, or
 - is wilfully obstructing the business of the Council,

the person presiding may notify the meeting of that opinion, and may take any of the following courses, either separately or in sequence:

- (a) move that the Member named be not further heard for the duration of that item. This motion shall not require to be seconded, and shall be put and decided without comment and if it is carried, the Member named shall not speak further for the duration of that item;
- (b) move that the Member named shall leave the meeting; this motion shall not require to be seconded, and shall be put and decided without comment; if it is carried, the Member named shall leave the meeting immediately. The Member may be re-admitted to the meeting at the discretion of the person presiding;
- (c) adjourn the meeting for as long as s/he thinks necessary.

Misconduct by a member of the public

- (2) If a member of the public interrupts proceedings at any meeting, the person presiding shall warn him/her. If s/he continues to interrupt, the person presiding shall order him/her to leave the room where the meeting is being held. If s/he does not leave, the person presiding shall order him/her to be removed. If a member of the public persistently creates a disturbance the person presiding may adjourn the meeting for as long as s/he thinks necessary.

Additional powers of the person presiding

- (3) In the event of general disturbance in any part of the room where any meeting is being held which is open to the public, the person presiding shall order that part to be cleared and may adjourn the meeting for as long as s/he thinks necessary.

Council Procedure Rule 23

Prevention of business of objectionable nature at Council and committee meetings

If, at any meeting, the person presiding shall be of the opinion that any motion, amendment or business proposed to be moved or transacted is of an objectionable nature, s/he may move a motion (which shall require no seconder) without discussion that the motion, amendment or business in question be not entertained nor further permitted. If such motion is carried, such matter shall be considered as disposed of for that meeting.

Council Procedure Rule 24

Use of televised and sound recordings at Council and committee meetings

- (1) The press and public are welcome to attend public meetings of the Council and its bodies. The press and public may take photographs, film, and audio record the proceedings and use social media to report on the meeting. This is subject to the activity not disrupting the business of the meeting. Whilst no prior permission is required to carry out this activity, it is advisable that any person wishing to record a public meeting to let officers know so that all the necessary arrangements can be made for the public meeting.
- (2) In the event that the meeting considers confidential or exempt business, all members of the public and press must leave the room with their equipment as requested for the consideration of such business.

Council Procedure Rule 25

Assistance for political groups

- (1) This Council Procedure Rule shall apply when the Council resolves to exercise its powers under section 9 of the 1989 Act to make appointments to posts, the duties of which are to provide assistance to members of a political group in the discharge of any of their functions as Members of the Council.
- (2) No such appointment shall be made until the Council has allocated such a post to each political group which qualifies for such a post under that section.
- (3) No such appointment shall be made in respect of any political group which does not qualify for such a post under that section.
- (4) Not more than one such post shall be allocated to any political group.
- (5) Unless the political group to which the post is allocated indicates that they are content that the terms and conditions of any such post shall be less favourable than they would otherwise be, the terms and conditions of appointment to all such posts (including the terms required to be included by sub-sections (3) and (4) of section 9 and the hours to be worked and the scale of remuneration to be paid) shall be the same for all such posts.
- (6) Whenever any such post has been established and is vacant, the Head of Paid Service shall, in accordance with the wishes of the political group to which it is allocated:
 - (a) place one or more advertisements giving details of the post in such newspapers or periodicals as shall be designated by that group, provided that not more than three advertisements shall be placed without the consent of the Council;
 - (b) make arrangements for meetings of such members of that group as that group may decide for the purpose of choosing a shortlist from and interviewing the candidates; and
 - (c) appoint such person as that group shall indicate on the terms and conditions approved by the Council.

Council Procedure Rule 26

Seal of the Council

- (1) The common seal of the Council shall be kept in a safe place in the custody of the Monitoring Officer with the power to delegate to the relevant officer.
- (2) The Common Seal of the Council shall be affixed to a document only on the authority of:
 - (a) a resolution of the Council;
 - (b) a resolution of a committee which the Council has empowered to authorise the use of the seal;
 - (c) a decision by the Council or by a duly authorised committee, or officer, to do anything where a document under the seal is necessary to complete the action.
- (3) An entry of every document sealed shall be made and numbered consecutively in a record kept for the purpose.

Council Procedure Rule 27

Attestation of documents

- (1) Any official document of the Council that requires attestation shall be signed by:
 - (a) any person who may be authorised by the Council for the purpose (see Article 10);
 - (b) any senior officer of the Council concerned with the matter to which the document relates; (article 10 / Delegation Scheme) or
 - (c) any officer authorised in writing by such senior officer (article 10 / Delegation Scheme).

- (2) The proper officer for the purpose of Section 234 of the 1972 Act (Authentication of Documents) shall be the Head of Paid Service unless specifically delegated to another officer (see Article 10 and Delegation Scheme).

Council Procedure Rule 28

Papers and advice

- (1) A copy of every paper which is circulated to Members for consideration at meeting of a committee shall be sent to the Senior Officers of the Council who are concerned in the work of that committee which for avoidance of doubt, includes email).
- (2) Any question as to which Senior Officers are concerned with the work of any committee shall be determined by the Head of Paid Service.

Council Procedure Rule 29

Call-in of decisions

- (1) A decision of a committee may, in exceptional circumstances, be called in for scrutiny by the Overview & Scrutiny Committee as set out in the Overview & Scrutiny Procedure Rules.
- (2) Where a decision has been called in by the Overview & Scrutiny Committee, the rules set out in the Overview & Scrutiny Procedure Rules shall apply.

