

PART 2 – COUNCIL MEETINGS

5. Annual Meeting of Council

There shall be an Annual Meeting of Council in May each year at which the Council shall:

- a) elect the Chairman and Vice-Chairman of Council;
- b) appoint the Leader of the Council;
- c) appoint the Deputy Leader of the Council;
- d) appoint the Committees, sub-committees and Panels listed in Part 3 of the Council's Constitution – Responsibilities and Functions; and where appropriate, the membership of those Committees; sub-committees and Panels etc;
- e) appoint such other committees as the Council may from time to time decide;
- f) consider and make appointments or nominations to serve on outside bodies, except that during an election year the making of such appointments may be deferred to the following ordinary meeting of Council .

6. Meetings of the Council

In addition to the Annual Meeting of the Council:

- a) meetings for the transaction of general business shall be held on such dates as the Council may decide;
- b) extraordinary meetings of Council may be held as soon as practicable at the request of:
 - (i) the Chairman of Council;
 - (ii) the Leader of the Council; or
 - (iii) not less than 5 Members of Council who have signed and submitted to the Head of Legal and Governance a requisition giving details of the business to be transacted.

7. Chairman of Council Meetings

- (1) Subject to paragraph (3) of this Rule, the Chairman of Council, if present, shall preside at the meeting or, in his or her absence, the Vice-Chairman shall preside or if both are absent then another member of the Council, chosen by the members present, shall preside.
- (2) Any power or duty of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.
- (3) If the Chairman is so personally involved in the business under consideration, whether or not it requires the declaration of a personal interest under the Members' Code of Conduct (but without the need to leave the meeting), that the effectiveness of his/her role as Chairman may be impaired, he/she may at his/her discretion leave the Chair but remain and participate in the meeting as an ordinary member whereupon the Vice-Chairman shall preside, or in his/her absence another member chosen by the members present shall preside.

8. Quorum of Council

- (1) The quorum for Council shall, unless provided otherwise in any statutory enactment, regulation or other similar provision, be one quarter of the total number of Councillors.
- (2) If during any meeting of the Council the Chairman, after counting the number of members present, declares that there is not a quorum present, the meeting shall stand adjourned.
- (3) The consideration of any business not transacted shall be adjourned to a date and time fixed by the Chairman when the meeting is adjourned, or, if he/she does not do so, to the next ordinary meeting of the Council.

9. Order of Business

- (1) Except as otherwise provided by paragraph (2) of this Rule, the order of business at every meeting of the Council shall be to:-
 - a) choose a person to preside if the Chairman and Vice-Chairman are absent;
 - b) receive any apologies for absence;
 - c) invite and receive any declarations of interests by Members;
 - d) deal with any business required by statute to be done before any other business;
 - e) approve as a correct record and sign the minutes of the last meeting of the Council;
 - f) make Chairman's announcements;
 - g) Public participation and formal receipt of petitions;
 - h) invite Questions to the Leader under Rule 12(1);
 - i) dispose of business (if any) remaining from the last meeting;
 - j) deal with any business expressly required by statute to be done;
 - k) consider any matter referred to Council from or by the Executive Committee or Planning Committee;
 - l) receive and consider reports and recommendations from other committees (including Overview and Scrutiny Committee);
 - m) consider motions in the order in which notices have been received;
 - n) consider any other items of business, if any, specified in the summons.
- (2) Business falling under items (a), (b), (c), (d) or (e) of paragraph (1) above shall not be displaced, but otherwise the foregoing order of business may be varied:-
 - (a) by the Chairman at his/her discretion; or
 - (b) by a resolution passed on a motion, (which need not be in writing) duly moved and seconded, which shall be put without discussion.

10. Notices of Motion

- (1) Except as provided by Rule 11, no motion shall be moved at any meeting of Council unless notice thereof shall have been given:
 - in writing;
 - signed by the member or members of the Council giving the notice (an email by the member or members giving notice would be regarded as sufficient for this purpose); and
 - delivered (or emailed) to the office of the Strategic Director for Council Governance at least six clear working days before the next ordinary meeting of the Council, not counting the day of the meeting/despatch.
- (2) No Member of the Council shall give notice of more than one motion for any one Council meeting, unless it be countersigned by the Chairman (or Vice-Chairman) of the Council at his sole discretion.
- (3) Every motion shall be relevant to some matter in relation to which the Council has powers and duties.
- (4) The Head of Legal and Governance shall set out in the summons for every ordinary meeting of the Council, all motions of which notice has been duly given in the order in which they have been received, unless the member giving such notice intimated in writing, when giving it, that he/she proposed to move it at some later meeting or has since withdrawn it in writing.
- (5) If a motion thus set out in the summons is not moved, either by:
 - a member who gave notice thereof; or
 - some other Member at the Member's request and on his behalf, with the concurrence of the Chairman of the Councilit shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.
- (6) Every motion of which notice has been duly given shall, upon being moved and seconded, stand referred without discussion to the relevant committee or sub-committee (if any) as determined by the Chairman of Council having regard to the subject matter of the motion and the recommendations of the said committee shall be reported to Council for determination.

[Note: if the Chairman considers it convenient and conducive to the despatch of business, he/she may allow any motion to be dealt with immediately by Council]
- (7) A member of the Council who has proposed a motion which has been referred to any committee shall be entitled to attend that Committee and to speak to the item.

11. Motions and Amendments (which may be moved without notice)

The following motions and amendments may be moved without notice:-

- (1) Appointment of a Chairman of the meeting at which the motion is made.
- (2) Motions relating to the accuracy of the minutes.
- (3) That an item of business specified in the summons is dealt with earlier in the meeting given.

- (4) That any item of business be referred to a committee.
- (5) That a committee be appointed in connection with any item mentioned in the summons to the meeting.
- (6) Adoption of reports and recommendations of any committee or officer and any consequent resolutions.
- (7) That leave be given to withdraw a motion.
- (8) Extending the time limit for speeches.
- (9) Amendments to motions.
- (10) That the Council proceeds to the next business.
- (11) That the question be now put.
- (12) That the debate be now adjourned.
- (13) That the Council do now adjourn.
- (14) Suspending any Procedural Rules, in accordance with Rule 4.
- (15) Motions to exclude the public, under Section 100A (4) Local Government Act, 1972.
- (16) That a member named under Rule 17 be not further heard or leave the meeting.
- (17) Giving consent of the Council where the consent of the Council is required by these Rules.
- (18) That a recorded vote or secret ballot be taken in accordance with Rule 20(2) or (3).

12. Questions

- (1) A member of the Council may ask the Leader of Council:-
 - (a) a single question on any matter in relation to which the Council has powers or duties or which affects the District, provided that written questions are submitted to the Head of Legal and Governance by 10.00am on the day of the Council meeting, but exceptionally, questions may be submitted in writing before commencement of the meeting; or
 - (b) any question relating to urgent business, of which such notice has not been given; but a copy of the question shall, if possible, be delivered to the Head of Legal and Governance not later than 10.00am on the day of the meeting. The Leader may decline to answer any question put under this sub-paragraph (b).
- (2) A member of the Council may ask the Leader or the Chairman of a committee (or portfolio holder in the case of the Executive Committee) any question upon an item of the report (minutes) of the Committee when that item is under consideration by the Council.
- (3) Every question shall be put and answered without discussion.
- (4) An answer may take the form of:

- (a) a direct oral answer; or
 - (b) a reference to that publication where the desired information is contained in a publication of the Council,; or
 - (c) a written answer circulated to members of the Council with the minutes of the meeting at which the question has been asked where the reply to the question cannot conveniently be given orally.
- (5) A Member of the Council who has asked a question in accordance with sub-paragraph (1)(a) of this Rule, and who has received a direct oral answer, shall as soon as possible after the meeting, be supplied with a written copy of the answer.
- (6) Arising from the answers given to questions under paragraphs (1) and (2) of this Rule, the questioner shall have the right to address a supplementary question.

13. Minutes

- (1) The Chairman shall put the question that the minutes of the meeting of the Council held on the day of be signed as a correct record.
- (2) No discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.

14. Signing of Minutes

Minutes of a meeting of the Council shall be signed at the same or next suitable meeting of the Council by the person presiding, except that such minutes do not have to be signed at extraordinary meetings of the Council but may instead be signed at the next ordinary meeting of the Council.

15. Rules of Debate for Council Meetings

Proposing and seconding

- (1) A motion or amendment shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Rule 10, it shall, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.
- (2) A Member when seconding a motion or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate.

Speaking

- (3) A Member when speaking shall stand and address the Chairman¹. If two or more Members rise, the Chairman shall call on one to speak; the other or others shall then resume their seats. While a Member is speaking the other Members shall remain seated, unless rising to a point of order or in personal explanation.
- (4) A Member shall direct his speech to the question under discussion or to a personal explanation or to a point of order.
- (5) No speech shall exceed five minutes except by consent of the Chairman.

¹ Subject to any provisions relating to disability

- (6) Whenever the Chairman rises during a debate a Member then standing shall resume his seat and the Council shall be silent.
- (7) A Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:
- (a) in exercise of a right of reply given by paragraph (14) of this Rule;
 - (b) on a point of order;
 - (c) by way of personal explanation;
 - (d) to move that the question be now put;
 - (e) to speak once on an amendment (and any subsequent amendments) moved by another Member(s);
 - (f) if the motion has been amended since he/she last spoke, to move a further amendment;
 - (g) if his/her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which he/she spoke was carried.

Restriction on further motions

- (8) When a motion is under debate no other motion shall be moved except the following:
- (a) to amend the motion;
 - (b) to adjourn the debate;
 - (c) to adjourn the meeting;
 - (d) to proceed to the next business;
 - (e) that the question be now put;
 - (f) that a Member be not further heard;
 - (g) by the Chairman under Rule 17(2) that a Member do leave the meeting;
 - (h) a motion to exclude the public (which term includes the press);
 - (i) a request for a recorded vote or secret ballot pursuant to Rule 20(2) or (3).

Amendments

- (9) An amendment shall be relevant to the motion and shall be either:
- (a) to refer a subject of debate to a committee for consideration or reconsideration;
 - (b) to leave out words; or
 - (c) to leave out words and insert or add others; or
 - (d) to insert or add words;
- but such omission, insertion or addition of words shall not have the effect of introducing a new motion or of negating the motion before the Council.
- (10) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been dealt with.

- (11) If an amendment is rejected, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

Withdrawal of motion

- (12) A Member may with the consent of the Council signified without discussion:-
- alter a motion of which notice has been given; or
 - with the further consent of the seconder alter a motion which has been moved;
 - if (in either case) the alteration is one which could be made as an amendment thereto.
- (13) A motion or amendment may be withdrawn by the mover with the consent of the seconder and the Council, which shall be signified without discussion. No Member may speak upon any motion or amendment after it has been withdrawn.

Right of reply

- (14)
- (a) The mover of a motion has a right to reply at the close 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 shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment;
 - (c) The mover of the amendment shall have no right of reply to the debate on the amendment;
 - (d) A Member exercising a right of reply shall not introduce a new matter;
 - (e) After every reply to which this paragraph (14) refers, a decision shall be taken without further discussion.

Procedure on certain motions

- (15) Upon any of the following motions being moved and seconded, the Chairman shall, if satisfied as indicated below, proceed as follows:
- a) ***"that the Council proceed to the next business"*** - If the Chairman is satisfied the matter has already been sufficiently discussed:
 - (i) the mover of the original motion shall have a right of reply;
 - (ii) the motion to proceed to next business shall then be put to the vote without further discussion.
 - b) ***"that the question be now put"*** - If the Chairman is satisfied the matter has already been sufficiently discussed:
 - (i) the motion that the question now be put shall be put to the vote without further discussion; and if that motion is passed
 - (ii) the mover of the original motion shall have a right of reply in accordance with Rule 15(14);

- (iii) the original motion (or amendment as the case may be) shall then be put to the vote without further discussion;
 - (iv) where the motion voted on in accordance with (iii) above was an amendment, the original motion (as amended) shall be put to the vote without further discussion or amendment.
- (c) ***“that the meeting be adjourned”*** or ***“that the debate be adjourned”*** - If the Chairman is satisfied the matter has **not** been sufficiently discussed and cannot reasonably be discussed sufficiently on that occasion the motion for adjournment shall be put to the vote without further discussion or any right of reply by the mover of the original motion.

Point of Order / Personal explanation

(16)

- (a) A Member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith.
- (b) A point of order shall relate only to an alleged breach of a Rule or statutory provision and the way in which the Member considers it has been broken.
- (c) A personal explanation shall be confined to some material part of a former speech by that Member which may appear to have been misunderstood in the present debate.
- (d) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

No Smoking

(17) During a meeting there shall be no smoking.

16. Motions Affecting Persons Employed by the Council

If any question arises at a meeting as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such a question shall not be the subject of discussion until the Council (or committee) has decided whether or not to exclude the press and public under the provisions of Section 100A(4) Local Government Act 1972.

17. Disorderly Conduct

- (1) If at a meeting any Member of the Council, in the opinion of the Chairman, misconducts himself by:
- persistently disregarding the ruling of the Chairman;
 - behaving irregularly, improperly, or offensively; or
 - wilfully obstructing the business of the Council

the Chairman or any other member may move " That the Member named be not further heard", and the motion, if seconded, shall be put and determined without discussion.

- (2) If the Member named continues his/her misconduct after the motion under the foregoing paragraph has been carried, the Chairman may:-

EITHER move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion):

OR adjourn the meeting of the Council for such period as the Chairman exercising discretion shall consider expedient.

- (3) In the event of general disturbance which in the opinion of the Chairman renders the due and orderly despatch of business impossible the Chairman in addition to any other power vested in him may, without putting the question to the meeting, adjourn the meeting of the Council for such period as he/she shall consider expedient.

18. Disturbance by Members of the Public

If a member of the public interrupts the proceedings at any meeting the Chairman shall warn him/her. If they continue the interruption, the Chairman may order their removal from the Council Chamber. In case of general disturbance in any part of the chamber open to the public, the Chairman may order that part to be cleared.

19. Rescission of Previous Resolution

- (1) Subject to paragraph (3) hereof,

- no motion to rescind (or which would have the effect, however worded, of negating) any resolution passed within the preceding six months; and
- no motion or amendment to the same effect as one which has been rejected within the preceding six months

shall be proposed unless notice thereof has been given in pursuance of Rule 10 signed by at least one third of the members of the Council.

- (2) When any such motion or amendment referred to in paragraph (1) above has been dealt with by the Council, it shall not be open to any Member to propose a similar motion within a further period of six months.
- (3) This Rule 19 shall not apply to motions moved in pursuance of a recommendation of a committee.

20. Voting

- (1) The Chairman shall ascertain the numbers voting for or against any question and his/her declaration as to the result shall be conclusive.
- (2) Where any Member proposes that a recorded vote be taken on any motion, a recorded vote shall be taken if at least one fifth of the Members present and entitled to vote shall be in favour.
- (3) A secret ballot may be held on any motion if a majority of Members present and entitled to vote shall be in favour.

21. Recording of Votes

Where immediately after a vote is taken (other than a recorded vote or a secret ballot) and any Member so requires, the minutes of the proceedings of that meeting shall record whether that Member voted for or against the question, or abstained from voting.