

## **PART 5 - PROCEDURE RULES**

### **PR1 - COUNCIL MEETING PROCEDURE RULES**

**References:**

***S.106 and Schedule 12 Local Government Act 1972***

***S.8,9 and 20 Local Government and Housing Act 1989***

***Local Authorities (Standing Orders) Regulations 1993 and 2000***

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## **RULES**

### **1. ANNUAL COUNCIL MEETING**

- 1.1 The **Annual Council Meeting** will be held, in years when there is an ordinary election of Councillors, within 21 days of the retirement of outgoing Councillors and, in other years, in May or June.

The **Business** of the Annual Council Meeting will be:

- (i) the election of a person to preside if the Mayor is not present;
  - (ii) the election of a Mayor;
  - (iii) the election of a Deputy Mayor;
  - (iv) approval of the minutes of the last meeting;
  - (v) the receipt of announcements, if any from the Mayor or the Head of Paid Service;
  - (vi) the receipt of declarations of interest;
  - (vii) the appointment of the Cabinet Leader (Leader of the Council) where necessary;
  - (viii) the appointment of at least one Scrutiny Committee, a Standards Committee, and such other Committees as the Council Meeting considers appropriate to deal with matters (as set out in **Part 3, Section 1** of this Constitution) which are neither reserved to the Council Meeting nor are executive functions; to decide the size and terms of reference of those Committees, and the allocation of seats to political groups in accordance with the political balance rules;
  - (ix) the appointment of Councillors to serve on outside bodies (except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet).
  - (x) to agree the delegation of non-executive functions except those set out in **Part 3 Section 1**;
  - (xi) the approval of a programme of ordinary Council Meetings for the year; and
  - (xii) the consideration of any business set out in the notice convening the meeting.
- 1.2 In the event that it appears likely that disagreement about any business to be transacted would cause political debate at the Annual Council Meeting, an informal Council Meeting will be convened before the Annual Council Meeting. The decisions

of the informal meeting will be reported to the Annual Council Meeting and ratified without debate.

## 2. **ORDINARY MEETINGS**

2.1 **Ordinary Meetings** of the Council will take place in accordance with a programme determined by the Annual Council Meeting. Subject to Rule 2.2 below the structure and order of business will be:

(a) Formalities and Announcements

- (i) to elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) to approve the minutes of the last meeting;
- (iii) to receive any declarations of interest from Councillors or officers;
- (iv) to report any urgent action taken under the Constitution
- (v) to receive announcements, if any, from the Mayor.

(b) Community Engagement

- (i) in accordance with **Rule 10**, to receive questions from, and provide answers to, the public in relation to matters which, in the opinion of the person presiding at the meeting, are relevant to the Council's activities.
- (ii) to receive petitions and, by prior arrangement receive delegations and presentations, from members of the public, community groups or partnership organisations. No presentation (including questions from councillors) to exceed 20 minutes;
- (iii) to deal with any matters arising from the Council's relationship with its strategic partners which the Council Meeting needs to consider;
- (iv) to answer questions on the business of Joint Authorities, Greater Manchester Combined Authority, Transport for Greater Manchester Committee and the Police and Crime Panel;

(c) Policy Framework and Budget

- (i) to consider reports on the development, adoption or review of policies included in the Policy Framework;
- (ii) to deal with any matters relating to the budget.

(d) Other Business

- (i) to consider any other business reserved to the Council Meeting as specified in the summons to the meeting.

(e) Leaders Report and Cabinet Question Time

- (i) to receive a report from the Cabinet Leader and other members of the Cabinet on the conduct of Cabinet business since the last ordinary meeting;

- (ii) in accordance with Rule 11, to answer questions from Councillors addressed to the Cabinet Leader or other members of the Cabinet.
  - (iii) formally to receive the minutes of the Cabinet and Cabinet Committees and the record of executive Decisions, and consider any recommendations they contain.
- (f) Scrutiny
  - (i) to receive reports from the Chair of the Scrutiny Co-ordination Committee or Chairs of Scrutiny Committees on the conduct of Scrutiny business since the last ordinary meeting, including the consideration of reports and references from Scrutiny Committees (unless dealt with under (c) above);
  - (ii) in accordance with Rule 11 to answer questions from Councillors and addressed to the Chair of the Scrutiny Co-ordination Committee or the Chair of a Scrutiny Committee;
  - (iii) formally to receive the minutes of Scrutiny Committees and Sub-Committees.
- (g) Ordinary and Area Committees
  - (i) in accordance with Rule 11, to answer questions from Councillors addressed to the Chair of an Ordinary Committee or an Area Committee;
  - (ii) to receive reports from the Chairs of the Planning and Highways Regulation Committee and the Licensing Environment and Safety Committees and Audit Committee on the conduct of their business since the last ordinary meeting.
  - (iii) formally to receive the minutes of Ordinary Committees, Area and Ward Committees, Standards Committee and the Health & Wellbeing Board and consider any recommendations they contain.
- (h) Motions
  - (ii) to consider motions, notice of which has been given in accordance with **Rule 12**

**A MAXIMUM OF 1 HOUR WILL BE ALLOCATED TO BUSINESS SPECIFIED UNDER RULE 2(b) COMMUNITY ENGAGEMENT.**

- 2.2 At the ordinary meeting of the Council, held annually to determine the budget, Council Plan and Council Tax, the only additional items of business, subject to any item that the Mayor wishes to raise as urgent business, shall be the items relating to the Council Plan and community engagement as set out in Rule 2.1(b) above.

**3. EXTRAORDINARY MEETINGS**

**3.1 Calling and Requisition of Extraordinary Meetings**

Those listed below may instruct the Chief Executive to call an Extraordinary Council Meeting:

- (i) the Council Meeting;

- (ii) the Mayor;
- (iii) the Monitoring Officer and Chief Financial Officer, in pursuance of their statutory responsibilities; and
- (iv) any five Councillors, if they have signed a requisition presented to the Mayor and he or she has refused to call a meeting, or has failed to call a meeting, within seven clear days of the presentation of the requisition.

### **3.2 Business**

No business other than that specified in the summons to the meeting may be considered at an Extraordinary Meeting unless the Mayor determines that it is urgent. The summons to the meeting will not include the consideration of the minutes of previous meetings nor more than two items for consideration.

## **4. APPOINTMENT OF SUBSTITUTE MEMBERS**

No substitutes are permitted.

## **5. TIME AND PLACE OF MEETINGS**

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

## **6. NOTICE OF AND SUMMONS TO MEETINGS**

Democratic Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting the Democratic Services will send a summons signed by the Chief Executive, to every Councillor. 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. Subject to Rules 2.1, 2.2 and 3.2 above, the Agenda and order of business for meetings will be determined by the Chief Executive in consultation with the appropriate chair and chief officers.

## **7. CHAIR OF MEETING**

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

## **8. QUORUM**

The quorum of a meeting will be one quarter of the whole number of Councillors. During any meeting, if the Mayor counts the number of members present and declares that there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **9. DURATION OF MEETING**

### **9.1 Interruption of the meeting**

If the business of the meeting has not been concluded within 4 hours of the commencement of the meeting, the Mayor will, at the conclusion of the speech then being delivered, unless the majority of Councillors present vote for the meeting to continue, give the mover of the motion under debate a right of reply, and then put the motion or amendment to the vote. If an amendment was before the Council Meeting at that time, the Mayor will then give the mover of the motion a right of reply to the debate on the motion. The vote will then be taken without any further discussion.

## 9.2 **Motions and recommendations not dealt with**

If there are other items on the agenda that have not been dealt with, the meeting will then proceed to any items requiring decision without further debate. Any further items on the Summons requiring a decision, including motions under Rule 12, will be deemed formally moved and seconded. The vote on any motion as it appears on the Summons (unless any alteration to the motion has been tabled prior to the commencement of the meeting by the mover and seconder, in which case that will become the substantive motion) will be taken without discussion.

Any remaining items on the Summons not requiring a decision will be deemed noted without debate.

## 9.3 **Recorded vote**

If a recorded vote is called for during this process it will be taken immediately.

## 9.4 **Close of the meeting**

When all items on the agenda have been dealt with, the Mayor will declare the meeting closed.

# 10. **QUESTIONS BY THE PUBLIC**

## 10.1 **General**

Registered voters of the Stockport area, or persons living or working in the Borough, may ask questions of Councillors at ordinary Council Meetings. A maximum of 30 minutes will be allocated to this procedure during the Council Meeting.

## 10.2 **Notice of questions**

A question may only be asked if notice has been given by submitting it in writing to **Democratic Services no later than 3pm on the day of the Council Meeting (on the basis that the Council Meeting commences at 6pm)**. Each question must give the name and address of the questioner, and must identify the Councillor to whom it is to be put. The same question may be addressed to two identified Councillors, in which case this will count as two separate questions for the purposes of Rule 10.4.

Immediately prior to the Council Meeting, copies of the questions received in advance will be made available to those Councillors present.

Questions may be submitted electronically, but must be submitted on the pro-forma available on the Council's web site.

Where a question is received 48 hours prior to the meeting, the Council will endeavour to ensure that an oral response to the question is delivered at the meeting. Where a question is received less than 48 hours prior to the meeting an

oral response to the question cannot be guaranteed; and in such cases a written response may be issued in accordance with rule 10.8(c).

Supplementary questions are not permitted

### **10.3 Order of questions**

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

### **10.4 Number of questions**

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

### **10.5 Scope of questions**

Subject to the provisions of the Freedom of Information Act 2000 the Monitoring Officer, in consultation with the Mayor, may reject a question if it:

- is not about a matter for which the Council either has a responsibility or which affects the Borough;
- is defamatory, frivolous or offensive;
- relates to a quasi-judicial matter;
- is substantially the same as a question which has been put at a Council Meeting in the past six months; or
- would be likely to require the disclosure of confidential or exempt information.

### **10.6 Asking the question at the meeting**

The Mayor will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is not present, the question will not be put at the meeting and will receive a written reply in accordance with Rule 10.9 below, if appropriate.

### **10.7 Clarification of questions and responses**

In the event that the need to clarify the original question or response becomes apparent, the questioner or member responding will be given an opportunity to clarify his / her question or response.

### **10.8 Response**

An answer to a question under this Rule 10 may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is contained 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 sent later to the questioner.

The Councillor to whom a question has been addressed may decline to answer or may nominate another Councillor to answer; such other Councillor may also decline to answer.

#### **10.9 Written answers**

Any question which is not dealt with during public question time, either because of lack of time or because of the absence of either the Councillor to whom it was addressed or the questioner, will be dealt with by a written answer. Where a written response is given, a copy of the response will be circulated to all Councillors.

#### **10.10 Reference of question to the Cabinet or a Committee**

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

#### **10.11 Question time at meetings of the Cabinet and Committees**

The procedure by which the public can ask questions at meetings of the Cabinet, Cabinet Committees, and at Ordinary and Area Committees meetings is set out in **Part 6 CP5** of the Constitution.

### **11. QUESTIONS BY COUNCILLORS**

#### **11.1(a) On minutes of the Cabinet or Minutes of Ordinary Committees**

A Councillor may ask the Cabinet Leader, another member of the Cabinet, or the Chair of an Ordinary or Area Committee, up to four questions (this to include supplementary questions requesting clarification of the answer to a previous question), without notice, on an item referred to in the report on Cabinet business or, as the case may be, the minutes of a Committee, when those items are being received or are under consideration by the Council Meeting. Only Councillors who are not members of the Cabinet may question the Cabinet Leader or another member of the Cabinet.

Any Non-Cabinet Councillor may, without notice, ask up to four questions of the Cabinet Leader or any Cabinet Member or comment upon Cabinet business generally provided that the period for each question to be put shall not exceed two minutes and the period provided for each comment to be made shall not exceed three minutes.

Each question is to be answered individually by the Cabinet Leader, Cabinet Member or Chair of an Ordinary Committee and the period provided to respond to questions is five minutes.

At the conclusion of questions on Cabinet Business, the Mayor will invite Councillors to make comments on the business of each Cabinet Portfolio. The time allotted to councillors to comment on each portfolio will be three minutes. The appropriate Cabinet Member will have the right of reply after all comments addressed to their portfolio have been made (the period provided to respond to comments shall not exceed five minutes).

#### **11.1(b) On the business of Scrutiny Committees**



A Councillor may ask the Chair of the Scrutiny Co-ordination Committee, or a Scrutiny Committee Chair, any question, without notice, on an item referred to in the report on Scrutiny business or, as the case may be, the minutes of Scrutiny Committees when those items are being received or are under consideration by the Council Meeting. No Councillor may address more than four questions to any one Chair. The time-periods provided in 11.1(a) above apply equally to this Rule 11.1(b).

**11.1(c) On the business of Planning and Highways Regulation and Licensing Environment and Safety Committees**

A Councillor may ask the Chairs of the Planning and Highways Regulation or the Licensing Environment and Safety Committee any question, without notice, on an item referred to in the report on the business of those committees, or as the case may be, the minutes of those Committees when those items are being received or are under consideration by the Council Meeting. No Councillor may address more than four questions to any one Chair. The time-periods provided in 11.1(a) above apply equally to this Rule 11.1(c).

**11.1(d) On the business of Area and Ward Committees**

A Councillor may ask the Chair of any Area Committee any question, without notice, on an item referred to in the minutes of that Area Committee when that item is being received or is under consideration by the Council Meeting. No Councillor may address more than four questions to any one Chair. The time-periods provided in 11.1(a) above apply equally to this Rule 11.1(d).

**11.2 Questions on notice at Council Meetings**

Subject to Rule 11.3, a Councillor may ask:

- the Mayor;
- a member of the Cabinet;
- the Chair of any Committee;

a question on any matter in relation to which the Council Meeting, the Cabinet, or the Committee has powers or duties, or which affects the Borough.

**11.3 Notice of questions**

A Councillor may only ask a question under Rule 11.2 if either:

- (a) he or she has given at least 2 working days' notice in writing of the question to the Democratic Services; or
- (b) the question relates to urgent business, the questioner has the consent of the Councillor to whom the question is to be put, and the content of the question is given to Democratic Services no later than the commencement of the meeting.

**11.4 Response**

An answer to a question under Rule 11.1 or 11.2 may take the form of:

- (a) a direct oral answer;

- (b) where the desired information is contained 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 sent later to the questioner, a copy of which, unless agreed otherwise, is to be sent to every Councillor.

The Councillor to whom a question has been addressed under Rule 11.1 or 11.2 may decline to answer or may nominate another Councillor to answer; such other Councillor may also decline to answer.

## **12. MOTIONS ON NOTICE**

### **12.1 Notice**

Except for motions which can be moved without notice under Rule 13, written notice of every motion to be moved at a Council Meeting, signed by at least two Councillors, must be delivered to Democratic Services not later than seven clear days before the date of the meeting. These will be entered in a book open to public inspection.

### **12.2 Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Councillor(s) giving notice states, in writing, that they propose to move it at a later meeting or withdraw it.

### **12.3 Scope**

Motions must be about a matter for which the Council has a responsibility or which affects the Borough.

## **13. 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 on the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Committee member arising from an item on the summons for the meeting;
- (f) to receive reports or adopt recommendations of committees or officers, and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;

- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 4 hours in duration;
- (n) to suspend a particular Council Meeting Procedure Rule under Rule 24.1;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Councillor named under Rule 21.3, or to exclude a Councillor from the meeting under Rule 21.4; and
- (q) to give the consent of the Council Meeting, where its consent is required by this Constitution.

#### **14. RULES OF DEBATE**

##### **14.1 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.

##### **14.2 Mayor's Right to require motion in writing**

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

##### **14.3 Seconders' speech**

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

##### **14.4 Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 10 minutes without the consent of the Mayor.

##### **14.5 When a Councillor may speak again**

Subject to the exercise of the Mayor's discretion under Rule 25 a Councillor who has spoken on a motion may not speak again while it is the subject of debate, except:

- (a) to speak once on an amendment moved and seconded by two other Councillors;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved and seconded by two other Councillors, to speak on the main issue;

- (d) in exercise of a right of reply under Rule 14.9;
- (e) to move a procedural motion under Rule 14.10;
- (f) on a point of order (Rule 14.12);
- (g) by way of clarification of previous speech (Rule 14.13).

#### **14.6 Amendments to motions**

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

as long as the effect of (ii) to (iv) is to do something other than negate the motion.

- (b) All amendments must be submitted in writing and a copy provided to the Chief Executive and Monitoring Officer before they are moved or discussed.
- (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. With regard to any motion under discussion, any further amendment cannot have substantially the same effect as an amendment previously disposed of at the same Council Meeting.
- (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 Mayor may, for the purpose of clarity, read out the amended motion before accepting any further amendments, or if there are none, putting the amended motion to the vote.

#### **14.7 Alteration of motion**

- (a) A Councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Councillor may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be

signified without discussion.

- (c) Only alterations which could be moved as an amendment may be made.

#### **14.8 Withdrawal of motion**

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

#### **14.9 Right of reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, or the motion as amended, 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 an amendment has no right of reply to the debate on his or her amendment.

#### **14.10 Procedural Motions that may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions. With the exception of motions under (h) and (i) below, such motions can only be moved at the end of any speech currently in progress:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond four 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 Councillor under Rule 21.3, or to exclude a Councillor from the meeting under Rule 21.4.

#### **14.11 Closure motions**

- (a) If a motion to proceed to the next business is seconded, and the Mayor is of the opinion that the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply to the procedural motion, and then

put the procedural motion to the vote.

- (b) If a motion that the question be now put is seconded, and the Mayor is of the opinion that the item has been sufficiently discussed, he or she will put the procedural motion to the vote. If it is passed he or she will give the mover of the original motion a right of reply under Rule 14.9 before putting his or her motion to the vote.
- (c) If a motion to adjourn the debate or to adjourn the meeting is seconded, and the Mayor is of the opinion that the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote, without giving the mover of the original motion the right of reply.
- (d) An equivalent procedure will be followed where the closure motion is moved during the debate on an amendment.

#### **14.12 Point of order**

A Councillor may raise a point of order at any time. The Mayor will hear the Councillor immediately. A point of order may only relate to an alleged breach of these Council Meeting Procedure Rules or the law. The Councillor must indicate the Rule or law and the way in which he/she considers it has been breached. The ruling of the Mayor on the matter will be final.

#### **14.13 Clarification of previous speech**

A Councillor may make a request to be allowed to clarify a previous speech at any time. The Mayor will hear the Councillor immediately. A request may only relate to some material part of an earlier speech by the Councillor that appears to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of such clarification will be final.

#### **14.14 Motions affecting Employees**

If any matter arises, at a Council meeting to which the public are admitted, about the employment or conduct of any employee of the Council, such matter must not be discussed until the Council Meeting has decided whether or not to exclude the public from the meeting.

### **15. STATE OF THE BOROUGH DEBATE**

#### **15.1 Calling of debate**

The Cabinet Leader may call a State of the Borough debate annually, on a date determined by him/her.

#### **15.2 Form of debate**

The Cabinet Leader will decide the form of the debate, with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the State of the Borough debate.

#### **15.3 Chairing of debate**

The debate will be chaired by the Mayor.

#### **15.4 Outcomes of debate**

The outcomes of the debate will be:

- (i) disseminated as widely as possible within the Borough, and to agencies and organisations in the area; and
- (ii) considered by the Cabinet in proposing the budget and policy framework to the Council Meeting for the coming year.

### **16. PREVIOUS DECISIONS AND MOTIONS**

#### **16.1 Motion to rescind a previous decision**

Unless needed to ensure that the Council complies with the law, a motion to rescind a decision made at a Council Meeting within the past six months cannot be moved unless the notice of motion under Rule 12 is signed by at least 7 Councillors.

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

Unless needed to ensure that the Council complies with the law, a motion in similar terms to one that has been rejected at a Council Meeting in the past six months cannot be moved unless the notice of motion under Rule 12 is signed by at least 7 Councillors. Once the motion is dealt with, no Councillor can propose a similar motion or amendment for six months.

### **17. VOTING**

#### **17.1 Division Bell**

When a vote is about to be taken during a Council Meeting any two Councillors may request that the division bell is rung so as to summon those Councillors not present in the Chamber. The Mayor will then allow two minutes after the bell is rung before the vote is taken.

#### **17.2 Majority**

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

#### **17.3 Mayor's casting vote**

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

#### **17.4 Method of Voting**

Unless a recorded vote is demanded under Rule 17.5(i) or required under Rule 17.5(ii), the Mayor will take the vote by show of hands, or by means of an electronic voting system, or if there is no dissent, by the affirmation of the meeting.

#### **17.5 Recorded vote**

- (i) If, before a vote is taken, two Councillors present at the meeting demand it, the names of the Councillors voting for and against the motion or amendment, or abstaining from voting, will be taken down in writing and recorded in the minutes.
- (ii) A recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions relating to the approval of the budget or setting of council tax, whereby there shall be recorded in the minutes the names of the Councillors voting for and against the motion or amendment, or abstaining from voting.

#### **17.6 Right to require individual vote to be recorded**

Where any Councillor requests it immediately after the vote is taken, that Councillor's vote will be so recorded in the minutes to show whether he or she voted for or against the motion or abstained from voting.

#### **17.7 Voting on appointments**

If there are more than two people nominated for any position to be filled, and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

### **18. MINUTES**

#### **18.1 Signing the minutes**

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

#### **18.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

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

#### **18.3 Form of minutes**

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

### **19. RECORD OF ATTENDANCE**

All Councillors 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 5 PR7** of this Constitution or Rule 22 (Disturbance by Public).

**21. COUNCILLORS' CONDUCT**

**21.1 Speaking**

When a Councillor speaks at a Council Meeting he or she must address the meeting through the Mayor and may stand or remain seated. If more than one Councillor indicates a wish to speak, the Mayor will ask one to speak and the others must sit. Other Councillors must remain seated whilst a Councillor is speaking unless they wish to make a point of order or clarification of a previous speech.

**21.2 Mayor standing**

When the Mayor stands during a debate, any Councillor speaking at the time must stop speaking and sit down. The meeting must be silent.

**21.3 Councillor not to be heard further**

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

**21.4 Councillor to leave the meeting**

If the Councillor continues to behave improperly after such a motion is carried, the Mayor may move either that the Councillor leaves the meeting, or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

**21.5 General disturbance**

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

**22. DISTURBANCE BY PUBLIC**

**22.1 Removal of member of the public**

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If he or she continues to interrupt, the Mayor will order his or her or their removal from the Council Chamber.

**22.2 Clearance of part of meeting room**

If there is a general disturbance in any part of the Council Chamber open to the public, the Mayor may call for that part to be cleared.

**22.3 No banners, placards or similar items are allowed to be displayed inside the Council Chamber during Council Meetings.**

**23. MEDIA**

- 23.1 The recording of the proceedings of the meeting is permitted.
- 23.1 The Mayor may withdraw consent to film, record or photograph the meeting at any time in the event that it is carried out in a manner that interferes with the proper conduct of the meeting.

## **24. SUSPENSION AND AMENDMENT OF COUNCIL MEETING PROCEDURE RULES**

### **24.1 Suspension**

All of these Council Meeting Procedure Rules except Rules 9, 17.5(ii), 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.

### **24.2 Amendment**

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

## **25. INTERPRETATION OF COUNCIL MEETING PROCEDURE RULES AND RIGHTS OF THE MAYOR**

The ruling of the Mayor on the application or interpretation of these Council Meeting Procedure Rules, or as to any proceedings of the Council Meeting, may not be challenged at any Council Meeting. The Mayor has the right to permit departures from these Rules where he or she considers it necessary to do so in order to secure a proper, full and effective debate. The steps the Mayor may take include:

- allowing more time for a Councillor properly to explain himself or herself;
- permitting a Councillor to speak more than once, or move or second more than one amendment, while a motion is the subject of debate;
- allowing officers to advise the Council Meeting as appropriate;
- allowing extended discussion of reports and matters for decision;
- proposing the suspension, under Rule 9.1 of the “guillotine”.
- allowing members of the public to ask questions or contribute to the debate, otherwise than in accordance with these Rules.
- Allowing emergency debates or motions on any matter over which the Council has responsibility or which affects the borough, and which in the opinion of the Mayor is of sufficient importance and cannot wait for the next meeting.

## **26. APPLICATION TO COMMITTEES**

All of these Council Meeting Procedure Rules apply to Council Meetings. None of the rules apply to meetings of the Cabinet or Cabinet Committees. Only Rules 5-9, 14 (but not Rule 14.5), 17 but not Rule 17.1, 18, 20-21 (but not Rule 21.1), 22, 23, 24.1 and 25 apply, with the necessary modifications, to meetings of Ordinary Committees, Area Committees, Scrutiny Committees, Ward Committees and the Standards Committee. Rule 9.2 does not apply to meetings when they are considering quasi-judicial matters.