

Council Procedure Rules



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Council Procedure Rules

1. Annual Meeting of the Council

The Annual Meeting of the Council will take place on the Wednesday 13 calendar days after the day of local elections, or in a year when there are no local elections on the Wednesday 13 calendar days after the first Thursday in May at 7.30 pm.

The Meeting will:

- (i) elect a person to preside if the Mayor or Deputy Mayor is not present;
- (ii) elect the Mayor;
- (iii) consider a Vote of Thanks to the outgoing Mayor;
- (iv) appoint the Deputy Mayor;
- (v) approve the Minutes of the previous meeting;
- (vi) receive declarations of interest by councillors and Officers;
- (vii) receive any announcements from the Mayor and/or the Chief Executive;
- (viii) receive a report from the Returning Officer in the year of a Council Election;
- (ix) receive a report in accordance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 in the year of a Council election;
- (x) elect the Leader in any year in which the Leader's term of office expires, or if the office of Leader becomes vacant;
- (xi) note the appointments to the role of Deputy Leader and to the Cabinet;
- (xii) appoint the Scrutiny Committees and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions, as set out in Part 2 of this Constitution, subject to no members of the Cabinet being appointed to sit on the Audit Committee, if one is appointed;
- (xiii) appoint such voting co-opted members as recommended by the various committees / panels;
- (xiv) appoint representatives to the Fire Authority;
- (xv) appoint a representative to the Thames Valley Police and Crime Panel;

- (xvi) receive the Leader's Scheme of Executive Delegation, as set out in Part 3 of this Constitution, except where the Leader is elected at this Annual Council meeting when the Scheme of Executive delegation will be presented to the Ordinary Council meeting following the Annual Council meeting; and
- (xvii) agree the Calendar of Meetings for the year; and
- (xviii) consider any business set out in the notice convening the meeting.

Unless the Mayor decides to hold the Annual Meeting in two parts when

- (a) a Ceremonial Meeting dealing with items (i) to (iv) above will be held on the Wednesday 13 calendar days after the day of local elections, or in a year when there are no local elections on the Wednesday 13 calendar days after the first Thursday in May at 7.30 pm; and
- (b) a Business Meeting dealing with the remaining items [(v) to (xviii) above] will be held on the Wednesday 20 calendar days after the day of local elections, or in a year when there are no local elections on the Wednesday 20 calendar days after the first Thursday in May at 7.30 pm.

Unless otherwise determined by statute, the Mayor may vary the order of the agenda at his/her discretion and allocate an appropriate time for the transaction of each item.

Note: The election of a person to preside in the absence of the Mayor, the election of the Mayor and the Leader and the appointment of the Deputy Mayor will follow the procedure set out in Procedure Rule 16.6.

2. Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with the programme decided by Council.

Ordinary meetings will:

- (a) elect, using the procedure set out in Procedure Rule 16.6, a person to preside if the Mayor and Deputy Mayor are not present;
- (b) approve the Minutes of the last meeting;
- (c) receive any disclosures of interest from councillors and Officers;
- (d) receive any announcements from the Mayor, Leader, members of the Cabinet or the Chief Executive;
- (e) receive questions from, and provide answers to, the public;

- (f) receive reports from the Cabinet and the Council's committees, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework, reports of the Scrutiny Committees for debate and from the Standards Committee on ethical standards issues;
- (g) consider questions in accordance with Council Procedure Rule 10;
- (h) consider motions; and
- (i) consider any other business specified in the summons to the meeting.

Unless otherwise determined by statute, the Mayor may vary the order of the agenda at his/her discretion and allocate an appropriate time for the transaction of each item.

3. Extraordinary Meetings

3.1 Those listed below may request the Monitoring Officer to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Mayor;
- (c) the Monitoring Officer; and
- (d) any five councillors if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 Extraordinary meetings will:

- (a) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (b) receive any declarations of interest from councillors and Officers;
- (c) receive any announcements from the Mayor, Leader, members of the Cabinet or the Chief Executive;
- (d) at the discretion of the Mayor, receive questions from, and provide answers, to the public; and
- (e) consider any other business specified in the summons to the meeting.

Unless otherwise determined by statute, the Mayor may vary the order of the agenda at his/her discretion and allocate an appropriate time for the transaction of each item.

4. Time and Place of Meetings

The time and place of meetings will be determined by the Monitoring Officer and notified in the summons.

5. Notice of and Summons to Meetings

The Monitoring Officer 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 Monitoring Officer will send a summons signed by him or her to every councillor or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

6. Chair of Meeting

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to committee, sub-committee and scrutiny committee meetings, references to the Mayor shall also include the chairs of committees, sub-committees or scrutiny committees.

7. Quorum

7.1 The quorum of a meeting of the Council will be 13 councillors. During any meeting, if the Mayor counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

7.2 Where these Rules apply to committee, sub-committee and Panel meetings, the quorum will be one third of the membership, or 4 councillors, other than co-opted members, whichever is the greater, except where the committee, sub-committee, or panel comprises either 5 or less councillors, other than co-opted members, when the quorum will be the nearest whole number of councillors to, but not less than, one half of the membership.

8. Duration of Meeting

- 8.1 The Mayor will adjourn the meeting for a period of ten minutes at a convenient time after two hours.
- 8.2 At a convenient time after a meeting has been in progress for three hours from its start time, the Mayor will announce the start of the closure procedure.
- 8.3 The Mayor will allow a maximum of thirty minutes for the completion of the closure procedure.
- 8.4 Once the Mayor has announced the start of the closure procedure, all remaining business shall be formally moved, formally seconded and voted upon without discussion.
- 8.5 At the discretion of the Mayor, short introductory speeches by the mover of a motion or amendment, to a maximum of one minute, will be allowed on each item of business raised during the closure procedure.
- 8.6 Before any matters are considered under the closure procedure, a motion may be moved and seconded, in accordance with Council Procedure Rule 21.1 [Suspension of Council Procedure Rules]), to suspend this Procedure Rule in relation to all, or specified, business remaining.
- 8.7 This Procedure Rule will have precedence over all other relevant Procedure Rules.

Note: Convenient time is at the discretion of the Mayor, but will usually mean at the end of the item under consideration.

9. Public

- 9.1 General
 - (a) Members of the public may, at meetings of the Council, ask members of the Cabinet, the Chair of a Committee, the Chair of a Scrutiny Committee, or a Leader of a political group on the Council questions on matters which the Council has powers or duties or which affects the area of the Council and which fall within their responsibility, other than at the Annual Meeting and, except at the discretion of the Mayor, at Extraordinary meetings.

- (b) The total time allocated for Questions by the Public shall be limited to 30 minutes.

9.2 Order of Questions

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

9.3 Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than 48 hours (excluding weekends and public holidays) before the start of the meeting.

e.g. If a meeting starts at 6:30 pm on a Tuesday the deadline for questions would be 6:30 pm on the preceding Friday.

The Mayor has the discretion to extend the deadline if the matter is sufficiently urgent and relates to a matter that has arisen in the last 48 hours, subject to the question being submitted a minimum of 30 minutes before the start of the meeting. Each question must give the name and address of the questioner and must name the councillor to whom it is to be put.

9.4 Number of Questions

At any one meeting, no person may submit more than one question.

9.5 Scope of Questions

The Monitoring Officer, or the Mayor, may reject a question if it:

- (a) is not about a matter for which the local authority has a responsibility or which affects the Borough;
- (b) is defamatory, derogatory, frivolous, offensive or vexatious;
- (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (d) relates to a Council employment or staffing matter; or
- (e) requires the disclosure of confidential or exempt information.

The Monitoring Officer may refer any question if it would be more appropriately dealt with by another body of the Council or by a Council Officer.

9.6 Record of Questions

Questions, including supplementary questions and the replies to them, whether given orally or in writing, will be recorded in the Minutes of the meeting. Where a written answer is to be supplied after the meeting at which the question is asked, if possible the written answer be included as an Annex to the minutes.

9.7 Asking the Question at the Meeting

The Mayor will invite the questioner to put the question to the councillor named in the question. If a questioner who has submitted a written question is unable to be present, he/she may ask the Mayor to put the question on his/her behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given, or decide, in the absence of the questioner, that the question will not be dealt with. No question will exceed one minute and no answer will exceed two minutes.

9.8 Supplementary Question

A questioner who has put a question in person may also put one supplementary question without notice to the councillor who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 9.5 above. No supplementary question will exceed one minute and no answer will exceed two minutes.

9.9 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the councillor to whom it was to be put, will be dealt with by a written answer. The councillor questioned will arrange for a written answer to be provided to the question.

9.10 Reference of Question to the Cabinet, Committee or a Scrutiny 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, sub-committee or a Scrutiny Committee. Once seconded, such a motion will be voted on without discussion.

9.11 Right to Speak

A member of the public may speak on up to two non-procedural items on any Agenda if notice has been given no later than 15 minutes before the start of the meeting. The Mayor may, at his or her discretion, limit the number of speakers and the time each speaker may speak for. No speech should exceed three minutes. Each member of the public may only speak once on any one item unless the Mayor agrees otherwise. Public speaking on any one item shall not exceed 15 minutes, subject to the Mayor's discretion to extend the time if he / she considers it appropriate.

9.12 Petitions

- (a) Petitions should include a clear and concise statement covering the subject to which it relates and what action is being requested from the Council. Requests for the Council to receive a petition should include the name and address of persons supporting the petition.
- (b) Petitions received by no later than 48 hours before the start of the meeting may be presented to the Council.

Petitions received by no later than 48 hours (excluding weekends and public holidays) before the start of the meeting may be presented to the Council.

e.g. If a meeting starts at 6:30 pm on a Tuesday the deadline for petitions would be 6:30 pm on the preceding Friday."

The person presenting the petition will be allowed to address the meeting briefly (not exceeding three minutes) to outline the aims of the petition. The Mayor will refer the matter to the responsible Cabinet member, or Committee Chair within whose terms of reference the matter falls without discussion for a response, unless a relevant item appears elsewhere on the Agenda.

- (c) The Cabinet member, or Committee Chair will provide a response at the Council meeting setting out the action to be taken on the petition.

The person presenting the petition will be permitted to make a statement lasting no longer than one minute in response to the Cabinet member's / Committee Chair's statement.

(d) Scope of Petitions

The Monitoring Officer, or the Mayor, may reject a petition if it:

- (i) is not about a matter for which the local authority has a responsibility or which affects the Borough;
- (ii) relates to a planning application or a specific licence currently being determined by the Council;
- (iii) is defamatory, derogatory, frivolous, offensive or vexatious;
- (iv) is substantially the same as a petition which has been put at a meeting of the Council in the past six months;
- (v) relates to a Council employment or staffing matter; or
- (vi) requires the disclosure of confidential or exempt information.

9.13 Development Control and Licensing Committees

Separate arrangements are in place for the public to ask questions and make representations at meetings of the Development Control and Licensing Committees and are set out in Annexes to the Access to Information Rules.

10. Councillors' Questions

10.1 At a meeting of the Council, other than the Annual Meeting or Extraordinary meetings, a councillor may ask the Leader of the Council, any Cabinet member, the Chair of any of the Council's Committees, the Chair of a Scrutiny Committee, or a Leader of a political group on the Council questions on matters which the Council has powers or duties or which affects the area of the Council and which fall within their responsibility

10.2 Every question, which will be limited to one part, will be asked and answered without discussion. Upon receiving the answer, the councillor who put the question shall be allowed one supplementary question, provided that it is relevant to the original question and does not introduce any new subject matter. The supplementary question will be asked and answered orally, but the person to whom the supplementary question has been asked may decline to answer.

- 10.3 The answer to a councillor's question may be given orally and directly, or by reference to published material of the Council which is readily available to councillors, or in writing after the meeting (when the answer will be circulated to all councillors).
- 10.4 Questions, including supplementary questions and the replies to them, whether given orally or in writing, will be recorded in the Minutes of the meeting. Where a written answer is to be supplied after the meeting at which the question is asked, if possible the written answer be included as an Annex to the minutes.
- 10.5 The total time allocated for councillors' questions shall be limited to 30 minutes. Each councillor may ask no more than two questions, not including supplementary questions.
- 10.6 No Question will exceed one minute and no answer will exceed two minutes.

11. Notices of Motion

11.1 Notice

Except for motions which can be moved without notice under Rule 12, written notice of every motion, must be delivered to the Monitoring Officer not later than 12 noon eight clear working days before the date of the meeting. Receipt of the motion will be acknowledged by the Monitoring Officer.

11.2 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 giving notice states, in writing before the commencement of the meeting to which the motion has been submitted, that he/she proposes to move it to a later meeting or withdraw it.

11.3 Motions of a Like Intent

Where two or more motions, submitted in accordance with this Procedure Rule are, in the opinion of the Monitoring Officer, of the same, or similar intent, he / she will either:

- (a) seek agreement to the withdrawal of one or more of the motions to leave one remaining motion; or

- (b) combine the motions, with the agreement of the councillors submitting the motions, with the combined motion being notified to all councillors no later than 12 noon four clear working days before the meeting at which the motion is to be considered.

The combined motion will take the place of the first of the motions submitted in the order on the Agenda and will be in the joint names of the councillor submitting the original motions. The councillor submitting the combined motion will be expected to agree who will move and second the motion.

In the event that councillor decline to withdraw their motions, or do not agree to the motions being composited, the Council will (subject to any ruling of the Mayor) deal with the motions in the order in which notice was received.

11.4 Scope

The Monitoring Officer or the Mayor will rule out of order any Motion which:

- (i) is not about a matter for which the local authority has a responsibility or which affects the Borough;
- (ii) relates to a planning application or a specific licence currently being determined by the Council;
- (iii) is defamatory, derogatory, frivolous, offensive or vexatious;
- (iv) is substantially the same as a motion or petition which has been put at a meeting of the Council in the past six months;
- (v) relates to a Council employment or staffing matter; or
- (vi) requires the disclosure of confidential or exempt information.

12. Motions without Notice

The following motions may be moved without notice:

- (a) to appoint a chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the Minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or councillor arising from an item on the summons for the meeting;

- (f) to receive reports or adoption of recommendations of Cabinet, committees, scrutiny committees or Officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to proceed to the next business;
- (i) that the question be now put;
- (j) to adjourn a debate;
- (k) to adjourn a meeting;
- (l) to suspend a particular Council Procedure Rule;
- (m) to exclude the public and press in accordance with the Access to Information Rules;
- (n) to not hear further a councillor named under Rule 19.2 or to exclude them from the meeting under Rule 19.3; and
- (o) to give the consent of the Council where its consent is required by this Constitution.

13. Rules of Debate

13.1 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.

13.2 Right to require Motion in writing

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

13.3 Secunder's speech

When seconding a motion, a councillor may reserve his/her speech until the debate. When the councillor wishes to speak, he/she must indicate to the Mayor.

13.4 Content and length of speeches

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

13.5 When a councillor may speak again

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

- (a) in exercise of a right of reply pursuant to Council Procedure Rule 13.8;
- (b) on a point or order; and
- (c) by way of personal explanation.

13.6 Amendments to Motions

- (a) All amendments to reports from Cabinet and the Council's committees (Council Procedure Rule 2[f]) and to a motion submitted under Council Procedure Rule 11 (other than those Motions which may be moved without notice under Council Procedure Rules 12 and 13.8) must be submitted in writing to the Monitoring Officer initially by 12 noon two clear working days before the meeting at which the motion is to be considered. Receipt of the amendment will be acknowledged by the Monitoring Officer.

The councillor submitting the amendment must then confirm in writing to the Monitoring Officer by 12 noon one clear working day before the meeting whether the amendment is to go forward, or notify the Monitoring Officer of any changes to the amendment. If no withdrawal, confirmation or change is received by the Monitoring Officer, it will be assumed that the amendment is to be considered in its initial form.

- (b) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add wordsas long as the effect of (ii) to (iv) is not to negate the motion.
- (c) All amendments submitted and having been moved, and seconded with no speech, will be offered by the Mayor to the mover of the motion for acceptance, if accepted in whole or in part the amendment becomes part of the original motion which remains in the 'ownership' of the councillor moving the original motion.

- (d) If the mover of the motion agrees to accept the amendment, or part of the amendment, any councillor may, at that point, call 'Object' which would require the amendment to be debated by the Council.
- (e) All amendments, or parts of an amendment submitted, and not accepted by the mover of the motion, will be discussed by the Council together with the motion and voted on at the end of the debate in the order in which they were submitted to the Monitoring Officer.
- (f) Where more than one amendment is received and an amendment is agreed when put to the vote, the owner of the substantive motion will be asked by the Mayor if he or she accepts any further amendment in whole or in part. If accepted the amendment becomes part of the substantive motion which remains in the ownership of the councillor owning the substantive motion.
- (g) With regard to amendments which relate to the Cabinet's recommendation of the Council's Annual Budget and level of Council Tax, amendments will be moved and voted on in the order in which they are received from 9.00 am on the working day after the Cabinet's meeting to finalise the recommendation. In the event of a tie the Council will decide the order in which the amendments are moved and voted upon.
- (h) If an amendment is carried, the motion as amended takes the place of the original motion and becomes in the 'ownership' of the councillor moving the amendment. This becomes the substantive motion to which any further amendments are moved.

13.7 Withdrawal of Motion

A councillor may withdraw a motion at the meeting with the consent of the meeting, or if he/she has moved the motion, 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.

13.8 Right of Reply

The mover of the motion has the right to sum up after the movers of any amendment(s) have summed up and before the vote on any amendment(s).

The owner of the motion / substantive motion has the right to sum up at the close of the debate on the motion immediately before it is put to the vote; and

The proposer of each amendment has the right to sum up the debate on their amendment in the order in which the amendments were proposed.

13.9 Motions which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion (with the exception of reports from Cabinet and the Council's committees and to motions submitted under Council Procedure Rule 11 - 'Notice of Motion');

Note: Paragraphs (b), (c) and (e) of Council Procedure Rule 13.6 'Amendments to Motions' will apply to amendments moved under this Procedure Rule.

- (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 three hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a councillor named under Rule 19.2 or to exclude them from the meeting under Rule 19.3.

13.10 Closure Motions

- (a) At the conclusion of a speech of another councillor, a councillor who has not already participated in the debate may move without comment that:
 - (i) the debate be adjourned;
 - (ii) the meeting proceed to the next business;

- (iii) the meeting be adjourned; or
 - (iv) the question be put.
- (b) If the motion to adjourn the debate, proceed to the next business or adjourn the meeting is seconded:
- (i) the Mayor will put the closure motion to the vote without further discussion;
 - (ii) if the motion is carried, the debate will stand adjourned, the meeting will proceed to the next business or the meeting will stand adjourned;
 - (iii) if the motion is lost, the debate will resume.
- (c) If the motion that the question be put is seconded:
- (i) the Mayor will consider whether the question before the meeting has been sufficiently discussed;
 - (ii) if the Mayor considers that it has not, the debate will continue until the Mayor considers that adequate debate has taken place, after which a vote on the closure motion will be taken;
 - (iii) if the Mayor considers that the matter has been sufficiently discussed, the Mayor will put the closure motion to the vote without further discussion; and
 - (iv) if the motion is carried, the Mayor will invite the mover of the original motion and the amendment, if an amendment is under discussion, to reply, and put the question before the meeting to the vote.

13.11 Points of Order and Personal Explanation

- (a) A point of order is a request from a councillor to the Mayor to rule on an alleged irregularity in the procedure of the meeting.
- (b) A personal explanation will be confined to some material part of an earlier speech by the councillor and on which a misunderstanding has occurred.
- (c) A councillor may raise a point of order or a point of personal explanation at any time and is entitled to address the Mayor on the matter immediately; but:

- (i) the councillor who raises a point of order must specify immediately how a Procedural Rule or statutory provision has been broken or infringed;
 - (ii) in either case, the councillor's speech must be confined to the point of order or personal explanation.
- (d) The ruling of the Mayor on a point of order or a personal explanation is final.

14. State of the Borough Debate

14.1 Calling of debate

The Leader may call a state of the Borough debate annually on a date and in a form to be agreed with the Mayor.

14.2 Form of debate

The 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 debate.

14.3 Chairing of debate

The debate will be chaired by the Mayor, or other councillor presiding.

14.4 Results of debate

The results of the debate will be:

- (a) disseminated as widely as possible within the community and to agencies and organisations in the area;
- (b) considered by the Leader in proposing the budget and policy framework to the Council for the coming year.

15. Previous Decisions and Motions

- 15.1 No motion to rescind or defer action on any resolution passed at a meeting of the Council within the preceding six months, and no motion or amendment which would have the same effect as one which has been rejected at a meeting of the Council within the preceding six months, may be proposed, unless notice has been given as required by Procedure Rule 11. The notice must be signed by at least five councillors. This procedure may not be used:

- (a) if it has been used in the previous six months to try to rescind the same resolution and the motion was rejected; or
 - (b) where a resolution has been successfully rescinded and is replaced by another resolution.
- 15.2 However, if a Committee or Scrutiny Committee considers an issue which has been decided by the Council within the previous six months, and agrees a course of action different from that previously approved by the Council, it must submit its decision as a recommendation to the Council.
- 15.3 Rule 15.1 does not apply to a Committee or Sub-Committee acting under delegated powers, which may rescind, replace, amend, or defer action upon any of its previous resolutions, whenever passed, after receiving and considering an Officer's report recommending departure from a previous resolution, where it considers such departure to be justified in all the circumstances.
- 15.4 No resolution will be rescinded, no action will be deferred, and no matter referred back, where it has already been acted upon, if the rescission or deferment would disadvantage a third party who has become entitled to a right as a result of the resolution, which includes decisions of the Licensing and Regulatory Committees and their sub-committees where a licence or permission has been awarded and the applicant notified of the decision.
- 15.5 A resolution of a Committee or a Sub-Committee passed under delegated powers is deemed to have been passed by the whole Council.
- 15.6 When a councillor intends to submit a motion to rescind a decision, notice must be given to the Monitoring Officer within 24 hours of the decision being published of the councillor's intention to submit a rescinding motion, in order to prevent the decision being implemented. The actual motion must be signed by at least five councillor and be submitted within five working days of the decision being published.
- 15.7 The motion must state the grounds on which the motion is made. The motion must be expressed in terms of the principles of judicial review, that is, that the decision is flawed on the grounds of one or more of:
 - (a) illegality (the Committee misdirected itself in law);
 - (b) irrationality (the Committee took into account irrelevant matters or failed to take into account relevant matters); or
 - (c) procedural impropriety (the Committee failed to follow its own procedures, including rules of natural justice).

16. Voting

16.1 Majority

Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question is put.

16.2 Mayor's casting vote

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

16.3 Method of Voting

Unless a recorded vote is demanded under Rule 16.4, the Mayor will take the vote by show of hands and/or by electronic means, or if there is no dissent, by the affirmation of the meeting. Nothing in these Rules will prevent the introduction and use of other methods of voting.

16.4 Recorded vote

If a councillor so requests, before the Mayor begins to take the vote, the names of each councillor in attendance will be recorded in the minutes of the meeting showing whether they voted for, against or abstained from voting.

16.5 Right to require individual vote to be recorded

Where any councillor requests it immediately after the vote is taken, his/her vote will be recorded in the Minutes to show whether he/she voted for or against the motion or abstained from voting.

16.6 Voting on appointments (*including the election of Mayor and Leader*)

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.

16.7 Voting on Budget Decision Council Tax Setting

That in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, when the Council votes on either setting its budget and / or where making the calculation or issuing the precept, the names of each councillor and whether they vote for or against the motion or abstain from voting will be recorded in the minutes.

17. Minutes

17.1 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.

17.2 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. Exclusion of Public and Press

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 20 (Disturbance by Public).

19. Councillors' Conduct

19.1 Respect for Mayor

When a councillor speaks at a meeting of the full Council he/she must address the meeting through the Mayor. If more than one councillor wishes to speak, the Mayor will determine the order of speakers. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point or order or a point of personal explanation.

When the Mayor indicates that the meeting should come to order, any councillor speaking at the time must stop. The meeting must be silent.

The Mayor may exercise his/her discretion not to require councillors to stand when speaking.

19.2 Councillor not to be heard further

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

19.3 Councillors to leave the meeting

If the councillor continues to behave improperly after such a motion is carried, the Mayor may move that either 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.

19.4 General disturbance

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

19.5 Conflicts of Interest

- (a) Councillors are under a duty to base their decision making on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public.
- (b) A councillor has a potential conflict of interest where any business of the meeting relates to or is likely to affect the subject matter of:
 - (i) a disclosable pecuniary interest as described at Appendix B of the Councillors' Code of Conduct and section 30(3) of the Localism Act 2011; or
 - (ii) an Other Registerable Interest (ORI), or Non Registerable Interest (NRI) as described at Appendix B of the Councillors' Code of Conduct
- (c) A councillor, where present at a meeting (in any capacity) who has a disclosable pecuniary interest, must when prompted by the agenda item, at the commencement of that consideration, or when the interest becomes apparent, disclose to the meeting the existence and nature of that interest and unless a dispensation has been granted by the Council's Standards Committee:
 - (i) not participate in any discussion of that matter at the meeting;
 - (ii) not vote on that matter at the meeting; and
 - (iii) leave the room whilst that matter is being considered.

(d) A councillor (where present at a meeting in any capacity) who has **an other, or non registerable interest**, must when prompted by the agenda item, at the commencement of that consideration, or when the interest becomes apparent, disclose to the meeting the existence and nature of that interest and unless a dispensation has been granted by the Council's Standards Committee:

- (i) not participate in any debate as a member of the body considering the matter;
- (ii) not vote on that matter at the meeting; and
- (iii) leave the room, whilst that matter is being considered, after having exercised any ability to address the meeting as a member of the public.

Note: A councillor may speak on the matter, only if members of the public are also allowed to speak at the meeting, and if they choose to do so they will need to register to speak in accordance with these Procedure Rules.

(e) Where a councillor is present at the meeting where that member is to be called upon to make a decision in the public interest, and that councillor considers they have fettered their discretion in some other way before leaving the room he or she may first exercise the ability to address the meeting as a ward councillor or member of the public in accordance with these Procedure Rules.

20. Disturbance by Public

20.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If he/she continues to interrupt, the Mayor will order his/her removal from the meeting room.

20.2 Clearance of part of meeting room

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

Note: Convenient time is at the discretion of the Mayor, but will usually mean at the end of the item under consideration.

21. Suspension and Amendment of Council Procedure Rules

21.1 Suspension

All of these Council Procedure Rules, except Rule 16.5 and 17.2 (which are mandatory), may be suspended by notice of motion, or without notice if at least one half of the whole number of councillors are present. There will be no discussion on a motion to suspend a Council Procedure Rule. Suspension can only be for the duration of the meeting.

21.2 Amendment

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

22. Application to Committees, Sub-Committees and Panels

22.1 All of the Council Procedure Rules apply to meetings of full Council. None of the rules apply to meetings of the Cabinet. Only Rules 4-7, 9 (excluding 9.12), 11-13 (excluding 13.6), 15-21 apply to meetings of Committees of the Council and their Sub-Committees. Only Rules 4-7, 9.11, 11-13 (excluding 13.6), 15-21 apply to meetings of Scrutiny Committees with the necessary alterations applying.

22.2 The following additional Procedure Rules will apply to meetings of Committees, Sub-Committee and Scrutiny Committees:

(a) Unless the majority of councillors present vote for the meeting to continue, any meeting will adjourn *or end* at a convenient time after three hours has elapsed. All meetings will end at a convenient time after four hours has elapsed. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

(b) Motions Without Notice

The following motions may be moved without notice:

(i) to amend a motion; and

(ii) that the meeting continue beyond three hours duration.

(c) Unless otherwise determined by statute, the Chair of a committee, sub-committee, or panel may vary the order of the agenda at his/her discretion and allocate an appropriate time for the transaction of each item.

22.3 Signing of Sub-Committee Minutes

In addition to Rule 17.1, where it is stated that the Minutes of the proceedings will be signed at the next suitable meeting, in the case of a Sub-Committee this will be the next meeting of the Sub-Committee, or of the appointing committee, as practicable.

23. Substitution on Committees, Sub-Committees and Scrutiny Committees

23.1 The Monitoring Officer, or his / her authorised representative at a meeting of a body, is authorised to agree substitutions for members of bodies submitted in writing by appropriate Group Leaders, Deputy Group Leaders, the Chair or Group Spokesperson of the body concerned before the scheduled start time of the meeting at which the substitution is to apply. Substitutions may only be made in accordance with the total number of seats allocated to each political group and the agreed balance of seats between the political groups on the body, and appointed substitutes to the Audit Committee must not be members of the Cabinet.

No member of the Cabinet may be substituted to a scrutiny committee.

- 23.2 Substitute members will have all of the powers and duties of an ordinary member of the body, but will not be able to exercise any special powers or duties (chair, vice-chair or spokesperson) exercisable by the persons they are substituting, unless specifically appointed by the body.
- 23.3 Substitution to the Development Control and Licensing and Regulatory Committees will only be permitted where substitutes have received the appropriate training and this has been verified by the Monitoring Officer.