

# **Procedure Rules for Full Council (Standing Orders)**

Those rules marked \* apply to Council and to the Committees

# Rules of Procedure

## Meetings of the Council

### 1. Annual Meeting of the Council

#### Order of Business

At Annual Meetings of the Council, the Order of Business shall be as follows:

- a) To choose a Councillor to preside if the Chair and Vice Chair of the Council\* are absent;
- b) To elect the Chair of the Council;
- c) To appoint the Vice-Chair of the Council;
- d) To receive any apologies for absence;
- e) To approve the minutes of the last Ordinary Meeting;
- f) To receive any communications or announcements from the Chair of the Council;
- g) To elect a Leader for a 4-year term of office;
- h) To receive any communications or announcements from the Leader of the Council;
- i) To receive any questions, statements or petitions from the public in accordance With Council Procedure Rules 14, 15 and 16;
- j) To receive any questions from Councillors in accordance with Council Procedure Rule 13;
- k) To elect the Chairs of the Scrutiny Committees
- l) To decide which Committees to establish for the municipal year;
- m) To decide the size and terms of reference of those Committees;
- n) To decide the numerical allocation of seats to political groups on Committees in accordance with the political balance rules;
- o) To make appointments to Committees;
- p) To make appointments to outside organisations, except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive. In an election year, such appointments may be deferred to the first Ordinary Meeting of the Council in the municipal year;
- q) To consider any other business set out in the summons;

r) To authorise the sealing or signing of documents to give effect to any decisions taken.

s) Consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's Budget and Policy Framework and reports of the Scrutiny Committee(s) for debate.

1.2 Other than items a) to c) above, the Chair of the Council may, with the consent of the Council, vary the Order of Business.

1.3 Ordinary meetings of the full Council will take place in accordance with the programme decided at the Council's Annual Meeting.

## 2. Extraordinary Council Meetings

2.1 Extraordinary Meetings shall be held on such days as may be determined by the Council or the Chief Executive, in consultation with the Chair of the Council and political group leaders.

## 3. Calling Extraordinary Meetings

3.2 An Extraordinary Meeting of the Council may be called at any time by:

- a) The Council by resolution;
- b) The Chair of the Council;
- c) The Monitoring Officer; or,
- d) Any 5 Councillors by written requisition presented to the Chair of the Council where he or she has refused to call a meeting or has failed to call a meeting within 7 days of the presentation of the requisition.

### Order of Business

3.3 At Extraordinary Meetings of the Council, the Order of Business shall be as follows

- a) To choose a Councillor to preside if the Chair and Vice Chair are absent;
- b) To receive any apologies for absence;
- c) To receive and note any disclosable pecuniary, prejudicial and/or personal interests from Councillors;
- d) To receive any communications or announcements from the Chair;
- e) To receive any communications or announcements from the Leader of the Council;

- f) To receive only in relation to the business for which the Extraordinary Meeting has been called any questions, statements or petitions from the public in accordance with Council Procedure Rules 14, 15 and 16;
- g) To receive only in relation to the business for which the Extraordinary Meeting has been called any questions from Councillors in accordance with Council Procedure Rule 13;
- h) To consider the business for which the Extraordinary Meeting has been called. The Chair may at his or her absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business;
- i) To authorise the sealing or signing of documents to give effect to any decisions taken.

3.3 Other than items (a) to (c) above, the Chair of the Council may, with the consent of the Council, vary the Order of Business.

3.4 During the course of the municipal year there will be a **ordinary** meeting solely for the purpose of setting the Council Budget.

## **4. Ordinary Meeting of the Council**

### **Order of Business**

4.1 At Ordinary Meetings of the Council, the Order of Business shall be as follows:

- a) To choose a Councillor to preside if the Chair and Vice-Chair of the Council are absent;
- b) To receive any apologies for absence;
- c) To receive and note any disclosable pecuniary, prejudicial and/or personal interests from Councillors;
- d) To approve the minutes of the last meeting;
- e) To receive any communications or announcements from the Chair of the Council;
- f) To receive any communications or announcements from the Leader of the Council;
- g) To receive any questions, statements or petitions from the public in accordance with Council Procedure Rules 14, 15 and 16;
- h) To receive any questions from Councillors in accordance with Council Procedure Rule 13;
- i) To consider any other business set out in the summons;

- j) To consider any motions in accordance with Council Procedure Rule 4;
- k) To authorise the sealing or signing of documents to give effect to any decisions taken;
- l) To consider reports from Executive Councillors.

### **Variation of Order of Business\***

4.2 The Chair of the Council may, with the consent of the Council, vary the Order of Business.

### **Minutes\***

4.3 At the next Ordinary Meeting, the Chair of the Council shall, with the Council's assent, sign the minutes of the business transacted at the previous meeting as a correct record.

4.4 The only discussion allowed upon the Minutes shall be as to their accuracy, and any objection upon that ground shall be made by motion. A question may be put to the Chair of the Council as to the accuracy of the Minutes.

### **Notices of Motion**

4.5 If a Councillor wishes to move a motion at a meeting of the Council, then notice in writing shall be given to the Governance Manager or his/her nominee of its terms and the name of a Councillor who has agreed to second it. Such notices shall be dated, numbered as received and available for the inspection of Councillors.

4.6 **Seven** clear working days' **written** notice **of the actual motion** is needed in order to have a notice of motion included in the summons. This means that written notice **and the wording of the motion itself** must be delivered to the Governance Manager or his/her nominee by 4pm on the day that provides **7** clear working days before the Council meeting (excluding the day of the meeting itself).

4.7 The motion shall relate to the work of the Council or the interests of people living in the Council Area.

4.8 A motion shall not be taken if its proposer is not present, unless another Councillor has been asked to propose it and the Council so agree.

4.9 A motion or amendment to rescind a decision within 6 months of it being approved should be made in accordance with Rule 23 of these Procedure Rules.

**4.11 A motion will not usually be considered at an Extraordinary meeting of Council without the leave of the Chair.**

**4.12 The proposer of the motion may not exceed 5 minutes subject to the consent of the Chair when presenting the motion to the meeting.**

## 5. Motions During a Debate\*

5.1 A Councillor may at the conclusion of a speech of another Councillor, move without debate one of the following motions:

- a) To amend the motion;
- b) To defer consideration of the motion;
- c) To adjourn the meeting;
- d) To adjourn the debate;
- e) To proceed to the next item of business;
- f) That the question be now put;
- g) To request a Recorded Vote; see Procedure Rule 18;
- h) That Councillor\_\_\_\_\_ be not further heard;
- i) That Councillor\_\_\_\_\_ do leave the meeting;
- j) That the (identified) recommendation be referred back for further Consideration (a deferral);
- k) That the press and public be excluded;
- l) To suspend any one or more Procedure Rules during all or part of the meeting;
- m) To refer a petition which has been presented to a meeting of the Council to a Committee for consideration;

5.2 If the motion is seconded then (subject to the proviso set out in (c) below) the Chair of the Council shall proceed as follows:

- a) The motion shall be put to the vote forthwith and without discussion;
- b) Then - subject only to the right of reply of the Councillor who either presented the report or who proposed the original motion - the motion shall be immediately acted upon;
- c) The Chair of the Council shall have the discretion not to accept such a motion when of the opinion that the matter before the meeting has not yet been sufficiently discussed.

5.3 If the Planning Committee votes against an Officer recommendation, it must either give reasons if it is a refusal or conditions in the case of permitting development:

- a) The Committee must vote on the reasons/conditions which will then form part of the substantive motion;
- b) The substantive motion must then be voted upon;
- c) If the Committee fails to agree the reasons/conditions, then the motion fails.

## 6. Amendments\*

6.1 An amendment shall be either:

- a) To leave out words;
- b) To leave out words and insert or add others; or
- c) To insert or add words;

but shall not have the effect of introducing a significantly different proposal or of negating the motion.

6.2 Before moving an amendment a Councillor shall ensure that there is likely to be a seconder for that amendment.

6.3 When an amendment has been moved and seconded, no further amendments shall be moved until the first amendment has been voted upon.

6.4 If an amendment is carried, it shall be incorporated into the motion which shall become the substantive motion upon which further amendments may be moved. If an amendment is voted down, further amendments may then be moved on the motion.

6.5 After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote after any further debate.

6.6 The ruling of the Chair on whether an amendment satisfies the requirements set out in 6.1 a-c, will be final. To assist the Chair in this respect, notices of amendment, should, where possible, be given in writing

6.7 With the agreement of any seconder and with the assent of the Council, given without comment, a Councillor proposing a motion or amendment may:

- a) Withdraw that proposal; or
- b) Alter its wording; or
- c) Accept an amendment.

6.7 Alterations to a motion

(a) A Member may alter a motion of which he or she has given notice with the consent of the Chair. The Chair's consent will be signified without discussion.

(b) A Member may alter a motion which he or she has moved without notice with the consent of both the Chair and the seconder. The Chair's consent will be signified without discussion.

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

#### **6.8 Alternative Budget Motions**

If there is to be an amendment to the proposed budget, it should be compliant with the procedure as outlined at 3.2 in the Council Financial Procedure Rules of this Constitution.

### **7. Points of Order or Personal Explanation\***

7.1 A Councillor may rise on a Point of Order or in personal explanation and shall be allowed by the Chair of the Council to be heard forthwith.

7.2 A Point of Order shall relate only to an alleged breach of a specified Procedure Rule or statutory provision and the Councillor raising it shall immediately identify how it has been broken.

7.3 A personal explanation shall be confined solely to a brief explanation of how a speech in the current debate by that Councillor appears to have been factually misunderstood. It shall not be used to introduce new material.

### **8. Reports of Executive Councillors**

8.1 An Executive Councillor shall submit a report to an Ordinary Meeting of the Council as to current and future business of their portfolio for the information of and comment from the Council. Such reports are for discussion and comment only and no motion shall be put to the meeting as to any such item other than those closure motions described in Standing Order 5.



## 9. Proposers and Seconders

9.1 If the mover of a motion or of an amendment sits down without speaking to it, the right to speak shall be lost but the mover of a motion shall retain the right of reply.

9.2 The seconder of a motion or of an amendment may declare that the Councillor is reserving the right to speak:

- a) Until later in the debate; or
- b) Until it appears to the Chair of the Council that - at that point - there are no more speakers to be called and before the mover of the motion exercises the right of reply.

## 10. Rights to Speak During Debates

10.1 A Councillor who has spoken once on any motion or amendment may not speak again. The exceptions to this Rule are that a Councillor who has already thus spoken may also:

- a) Speak once to an amendment moved by another Councillor;
- b) Move a subsequent amendment. If a Councillor wishes to exercise this right, then the Councillor shall immediately make the purpose of this second speech clear to the Chair of the Council;
- c) Exercise a right of reply under Council Procedure Rule 11; or,
- d) Make a Point of Order or personal explanation.

### 10.2 Rules of Debate

- a) No speeches until motion seconded
- b) No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.
- c) Right to require motion in writing Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him or her before it is discussed.

#### Secunder's speech

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

## 11. Rights of Reply

11.1 The mover of a motion shall have a right of reply to any debate on that motion. This right shall be in addition to that Councillor's speech introducing the motion or the report.

11.2 The mover of a motion shall also have a right of reply to any debate:

- a) On any amendment to that motion;
- b) On a reference back to the Executive of that recommendation; and
- c) Immediately before the following closure motions are put to the vote:
  - i. To postpone consideration of the motion;
  - ii. To adjourn the debate;
  - iii. That the question be now put.

11.3 The Councillor presenting a report shall also have a right of reply to the following closure motions immediately before they are put to the vote:

- a) That the Council proceed to the next business;
- b) To adjourn the debate; or
- c) That the question be now put.

11.4 A Councillor who has moved a motion or introduced a report shall only have the further rights to speak which are defined in this Council Procedure Rule but shall not otherwise speak during that debate.

11.5 A Councillor exercising a right of reply shall not introduce new factual material.

11.6 The mover of an amendment or of any of the procedural motions referred to in Council Procedure Rule 85 shall not have a right of reply.

## 12. Speeches

12.1 A Councillor shall not speak on a motion or amendment for longer than 3 minutes.

12.2 The exceptions to this Rule shall be that:

- a) The mover of a recommendation (or of a motion of which notice has been given in accordance with Council Procedure Rule 4) may speak for not more than 10 minutes when moving such recommendation or motion;
- b) A Councillor exercising a right of reply may speak for 5 minutes; and
- c) The mover of an amendment may speak for 5 minutes.

12.3 A Councillor shall normally stand when speaking and shall address the Chair of the Council. When the Chair of the Council rises all Councillors shall be silent. No-one else shall speak until the Chair has been resumed.

## 13. Questions from Councillors

## **Questions on Notice**

13.1 At a Full Council meeting, any Councillor, upon giving 5 working days' written notice, specifying the question to the Governance Manager or his/her nominee, may ask the Leader of the Council a question on a matter which concerns the Council's functions, powers, duties and which affects the Council Area.

13.2 Any Councillor, upon giving written notice, specifying the question, to the Governance Manager or his/her nominee by 4pm on the day that provides 2 clear working days before the Council meeting (excluding the day of the meeting itself), may ask the Leader of the Council, a Lead Councillor, Chair of a Committee or another Councillor who has been appointed to an outside body, a question which concerns the Executive's or Committee's functions, powers and duties or the work of the outside body and which affects the Council Area.

## **Urgent Questions**

13.3 Any Councillor may put to the Leader, a Lead Councillor, or Chair of any Committee, any question relating to urgent business of which notice has not been given. A copy of any such question shall be delivered to the Governance Manager or his/her nominee not later than 12 noon on the day of the meeting.

13.4 The Leader, portfolio holder, or Committee Chair may decline to answer or may direct the question to be answered by the Chair of the appointed sub-committee which has been delegated the subject matter of the question.

13.5 The Councillor asking the question may ask a supplementary question related to the question or arising from the answer to seek further clarification.

13.6 Questions are to be asked and answered without further discussion by other members present. The Leader of the Council, Executive Councillor, or a Committee Chair to whom the question has been addressed may ask another Councillor or Officer to answer it if they are of the opinion that a discussion is required, or they may refer it to another relevant meeting of the Executive or Committee.

13.7 Where it is not possible to provide an answer to a question during the meeting, the person responsible for answering shall provide a written answer within 5 working days of the meeting.

## **14. Public Question Time\***

### **Questions**

14.1 At meetings of the Council, up to 15 minutes shall be allocated to receiving questions from members of the public.

14.2 Members of the public may ask the Leader of the Council, a Lead Councillor or a Chair of a committee questions relevant to any item on the agenda for the meeting or to the functions, powers or duties of the Council at Ordinary Meetings of the Council.

14.3 In relation to each meeting at which a member of the public wishes to ask a question, notice specifying the question should be given in writing by the person and received by the Governance Manager or his/her nominee by 4pm on the day that provides 1 clear working days before the Council meeting (excluding the day of the meeting itself).

14.4 In cases where there is any doubt as to whether a question is relevant to the functions, powers or duties of the Council, the Council Solicitor and Monitoring Officer shall determine whether they are accepted.

14.5 The Governance Manager or his/her nominee, in consultation with the Chair of the Council, appropriate Lead Councillor or Chair of the Committee (in relation to a Committee meeting appropriate) and questioner, may re-word any question to bring it into proper form and to secure brevity.

14.6 If a question relates to a ward-based issue, the Chair of the Council or Chair of the Committee meeting (as appropriate) shall invite a contribution from any Councillor representing that ward before calling for the formal reply.

14.7 In response to a question, the Councillor to whom the question has been put will normally provide and circulate to the questioner and all Councillors at the meeting a written answer which, together with the question, shall also be recorded in the minutes.

14.8 The questioner may, (subject to the time limits in paragraph (1) above) ask one supplementary question if such a question arises from the answer given.

14.9 If the questioner is unable to attend the meeting due to unforeseen circumstances then they may, with the consent of the Chair of the Council or Chair of the Committee (as appropriate) nominate a spokesperson to ask the supplementary question.

14.10 Questions, including any supplementary questions, will be asked and answered without discussion.

14.11 The Leader of the Council, Lead Councillor or Chair may decline to answer a question or nominate another Councillor or Officer to answer it on their behalf. In the case of a Committee meeting, if appropriate, the Chair may nominate the most appropriate Councillor or Officer present to provide a response to a question or supplementary question from a member of the public.

14.12 Any question or response under this Council Procedure Rule 4 shall not exceed 3 minutes in length.

14.13 Questions shall not be disallowed merely because advance notice in writing has not been given. Such questions may not be answered immediately but later in writing.

However, it is always preferred that questions are put in writing in order to assist Councillors and Officers to be able to give answers at the meeting.

14.14 The procedure for taking questions or statements from members of the public at meetings of the Planning Committee shall follow such pattern as agreed from time to time by the Chair of the Planning Committee to best take account of its needs for public involvement.

## 15. Statements\*

15.1 As an alternative to asking a question, a member of the public may address the Council or any Committee.

15.2 At meetings of the Council up to 15 minutes shall be allocated to receiving statements from members of the public.

15.3 Statements shall be for a period not exceeding 3 minutes on matters relevant to any item on the agenda for the meeting or to the functions, powers, or duties of the Council, subject to the following conditions.

15.4 In relation to each meeting at which a member of the public wishes to speak and following publication of the agenda, notice, including a summary of the subject matter, must be given in writing by the person to the Governance Manager or his/her nominee not later than 4pm one clear working day before the day of the meeting (excluding the day of the meeting itself).

15.5 If a speaker is unable to attend the meeting due to unforeseen circumstances then, with the consent of the Chair of the Council (or Committee Chair in respect of a Committee meeting), they may nominate a spokesperson to speak for them.

15.6 The Leader of the Council, relevant Lead Councillor or Committee Chair shall be entitled to respond to the statement, and this shall not exceed 3 minutes in length.

## 16. Presentation of Petitions\*

16.1 A petition is a written request signed by the requisite number of people appealing to an authority about a particular cause or issue.

16.2 A petition requiring debate by Full Council is a petition that contains more than 200 signatures and will be debated by Full Council.

16.3 Excluded Matters are matters that are excluded from the scope of the petitions duty and these are:

- a) Any matter relating to a planning decision, including about a development plan document or the community infrastructure levy;
- b) Any matter relating to an alcohol, gambling or sex establishment licensing decision;

- c) Any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
- d) Any matter which the Chair of the Council or relevant Committee believes to be scurrilous, offensive, improper, repetitious, capricious, irrelevant or otherwise objectionable.

16.4 Petitions submitted to the Council must include:

- a) A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take;
- b) The name and address and signature of any person supporting the petition;
- c) The name and address of the petition organiser.

16.5 All petitions will be acknowledged within 10 working days.

16.6 If a petition contains more than 200 signatures the petition will be debated at the next scheduled meeting of ordinary Council. The normal convention will be to debate no more than one petition at any one Council meeting on a first come basis, subject to the discretion of the Chair of the Council.

16.7 The petition organiser will be given 5 minutes to present the petition to the meeting.

16.8 Councillors will discuss the petition up to a maximum of 15 minutes.

16.9 The Council will decide how to respond to the petition which may include to take the action requested, not to take the action requested for the reasons given in the debate, refer the matter for further investigation, or refer the matter to the Council Executive for final decision.

16.10 A petitioner has the right to request a review of the steps taken in response to the petition if they are unhappy and that request shall be made to the Council's Scrutiny Committee.

## 17. Deputations\*

17.1 Any Somerset West and Taunton elector may ask that a deputation should be received by a meeting which has powers or duties relating to the matter of concern to that deputation. Such a request shall be made by written notice to the Governance Manager or his/her nominee at least 3 working days before the meeting to which it relates unless the Chair of the Council has, because of special circumstances, given approval to a lesser period of notice.

17.2 The person making the request shall indicate in the notice:

- a) The matter to which the request relates;
- b) The number and the names and the addresses of those making up the deputation;  
and
- c) The name of the leader who will speak for them.

17.3 On being called by the Chair of the Council, the leader of the deputation may speak for not more than 5 minutes about the matter described in the notice given.

17.4 For a further period of 5 minutes, Councillors may ask questions of the deputation, which questions shall be asked and answered without discussion.

17.5 Having heard from the deputation, the Chair of the Council (or Councillor chairing the meeting) may either:

- a) Give an immediate oral response to their request, or
- b) Ask that an immediate oral response be given to the deputation by the Leader of the Council (or other Executive Councillor who is present) or by an Officer; or,
- c) Call for a report to be considered at the next meeting of that – or the relevant Committee unless the request relates to business which is already on the Committee's agenda; or
- d) Ask that a written answer be given to the deputation where the necessary information is not readily available.

## 18. Voting\*

18.1 All motions and amendments, unless the law otherwise requires, shall be decided by a simple majority of those Councillors present at the meeting and voting at the time the question was put. The vote will be by affirmation or by a show of hands, as the Chair of the Council shall choose. Councillors must be present in the room for the whole of the item under discussion to be eligible to vote.

18.2 If before the Chair of the Council calls for the vote, either:

- a) The mover and seconder of the motion - or of the amendment, or,
- b) Any Councillor supported by the votes of at least a quarter of the Councillors present, request that a Recorded Vote be taken, then votes shall be publicly declared, and recorded in the minutes.

In addition:

- i. Immediately after any vote is taken at a budget decision meeting there must be a Recorded Vote in the minutes of the proceedings of

that meeting given the names of the persons who cast a vote for the decision or against the decision or who abstained from voting;

- ii. 'Budget decision meeting' means the meeting at which the Council makes a calculation (whether originally or by substitute) in accordance with any sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52 of the Local Government Finance Act 1992 or subsequent amendments; or
- iii. Issues a precept under Chapter 4 of Part 1 of that Act and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting;
- iv. References to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

18.3 In addition to the option under Council Procedure Rule 18 (2), any Councillor may require - immediately after a vote is taken - that the manner in which that Councillor's vote was cast (for, against or abstaining) shall be recorded in the minutes.

18.4 Where a vote is taken upon the choice of more than 2 candidates for an appointment and there is not an absolute majority in favour of one candidate, the candidate receiving the least number of votes shall be excluded and a further vote taken, the procedure being continued until there is an absolute majority in favour of one candidate.

18.5 In the case of an equality of votes, the Chair of the Council shall have a second or casting vote.

18.6 The Chair of the Council shall have unfettered discretion as to its use for or against the proposition.

## **19. Offensive or Disorderly Conduct\***

19.1 If at a meeting a Councillor uses an expression which another Councillor believes is offensive and the latter draws the attention of the Chair to it, the Chair may request the Councillor to withdraw the expression.

19.2 If at a meeting the Chair believes a Councillor to be guilty of persistently disregarding the ruling of the Chair by behaving improperly or offensively, or by deliberately obstructing business, the Chair or any other Councillor may move 'that Councillor \_\_\_\_\_ be not further heard' and the motion, if seconded, shall be put to the vote and voted on without discussion.



19.3 If a Councillor continues to behave improperly after such a motion has been carried, the Chair may either:

- a) Move 'that Councillor \_\_\_\_\_ do leave the meeting'; or
- b) Adjourn the meeting for a specified period.

If seconded the motion shall be put and voted on without discussion.

19.4 If a Councillor does not leave the meeting after a resolution to that effect, the Chief Executive or his/her nominee shall arrange for the removal of the Councillor and shall take such measures as may be necessary to prevent the Councillor from re-entering the meeting.

19.5 In the event of any significant disturbance which makes the due and orderly dispatch of business impossible, the Chair of the Council, in addition to the exercise of any other power, may, without the need for the Council's approval, adjourn the meeting for such period as s/he thinks necessary.

## **20. Disturbance by Members of the Public\***

20.1 If a member of the public interrupts the proceedings at a meeting, the Chair shall request that there be no further interruptions. If the interruptions continue the Chair shall order the removal of the person interrupting from the room.

20.2 If there should be general disturbance in any part of the room open to the public the Chair may order that part to be cleared.

## **21. Interests of Members and Officers\***

21.1 Where at a meeting any matter is being considered in which a Councillor then present has a '*prejudicial interest*' as defined by the Council's adopted Code of Conduct, that Councillor shall be entitled to make representations, answer questions or give evidence provided that members of the public also have the same right. The Councillor must then leave the meeting immediately thereafter unless:

- a) A dispensation has been granted in accordance with the relevant due process in exercise of its powers under the Local Government Act; or,
- b) The item merely forms part of minutes submitted and is dealt with as 'for information' only.

21.2 Where any matter is being considered in which a Councillor then present has a '*disclosable pecuniary interest*' as defined by the Council's adopted Code of Conduct, that Councillor must disclose to that meeting the existence and nature of that interest (except where the matter is considered a sensitive interest and so there is no requirement to disclose the nature of it) and withdraw from the meeting room or chamber as soon as

it becomes apparent that the business is being considered at that meeting, unless a dispensation has been granted in accordance with the relevant due process.

21.3 Where a Councillor present at such a meeting has a '*personal interest*' (as defined in the adopted Code) which is not a '*prejudicial interest*' then the Councillor shall immediately draw the attention of the meeting to that personal interest.

21.4 Any Officer of the Council present at a meeting when an item involving a disclosable interest is under consideration shall draw the attention of the meeting to that interest.

21.5 A 'disclosable interest' is an interest which, if the Officer were a Member of the Council, would need to be declared under the Council's adopted Code of Conduct as a '*prejudicial interest*'.

21.6 No such duty shall arise regarding an item which merely relates to the general terms and conditions of employment of all staff employed by the Council.

## **22. Exclusion of Press and Public\***

22.1 Press representatives and public shall withdraw from a meeting if an exclusion resolution is passed.

22.2 On a motion to exclude the public, unless the motion appears on the agenda, the Chair shall ascertain the grounds for the motion and seek the advice of the Council Solicitor and Monitoring Officer or his/her nominee as to whether members of the public may lawfully be excluded.

22.3 Even where an item or report has been marked either 'Exempt' or 'Confidential', it is for the meeting itself to decide whether, taking the wider public interest into account, the item (or part of it) should nevertheless be considered in the presence of the press and public.

22.4 If an issue should arise during a debate as to the appointment, promotion, dismissal, salary, conditions of service or conduct of any identifiable employee of the Council, the Councillor chairing the meeting shall move the exclusion resolution (due to the likelihood that exempt information about a particular employee would be disclosed to the public).

22.5 The motion shall be immediately approved or rejected before the issue is further considered.

22.6 When an exclusion resolution is passed those permitted to remain include all those who are members of the Council, the Officers or consultants serving that meeting and those specifically invited by the meeting to remain for reasons set out in the minutes.

## **23. Rescindment and Variation of Resolutions\***

23.1 A resolution passed within the previous 6 months shall not be rescinded or varied unless either:

- a) There has been a significant change of circumstances (noted in the minutes of the meeting) since the previous resolution was passed and is agreed by 50% of the members; or
- b) By resolution of the Full Council on a motion of which notice has been given under Council Procedure Rule 4 signed by not less than 12 members.

23.2 Where it is intended that such an item should appear on the agenda for a meeting, the agenda item shall say that this '6-month rule' applies.

23.3 This Council Procedure Rule shall not apply in the case of a planning or licensing application.

23.4 Every such notice of motion shall specify the resolution to be rescinded or varied

## 24. Ruling of the Chair of the Council\*

24.1 The ruling of the Chair of the Council on any question under these Procedure Rules, on a Point of Order, or, on the admissibility of a personal explanation shall be final and shall not be open to discussion.

## 25. Quorum\*

25.1 No business shall be transacted at a meeting unless at least the indicated number of its members is present:

Meeting	Quorum
Full Council	15
Planning Committee	4
Licensing Committee	4
Audit and Governance Committee	3
The Executive	3
Scrutiny Committees	4
Standards Committee	3
Any other Member body	1/4 of its members, or 2 (whichever is the greater)

## 26. Agenda and Attendance at Meetings

26.1 A Councillor has the right to receive agenda and papers for all meetings of the Council, the Executive, the Corporate Scrutiny Committee, the Community Scrutiny Committee, the Licensing Committee, the Audit and Governance Committee, Standards Committee and the Planning Committee and to attend and speak at all such meetings, whether the Councillor is a member of the body or not.

26.2 This right to be treated as a participating member of these bodies shall not extend to their sub-groups which have been convened to act:

- a) In a quasi-judicial role on the Council's behalf in relation to such matters as staff disciplinary appeals, licensing hearings, or to deal with staff appointments or other specifically identified matters; or
- b) A Task and Finish Scrutiny Group.

26.3 With those bodies listed in (2) above:

- a) The right to attend shall be the same as for members of the public;
- b) The right to contribute to the discussion shall be at the discretion of the Councillor chairing that meeting.

26.4 In order to avoid any doubt:

- a) The rights under paragraph (1) shall also extend to Exempt items of business;
- b) Councillors attending a meeting by virtue of this Procedure Rule shall not have a right to vote.

### 26.5 Appointment of substitute members of committees

*(Note: This Procedure Rule does not permit substitutes by Members not in a political group.)*

- a) It is not possible to have substitute Members for Executive.
- b) Substitute Members may speak and vote at Committee meetings if they have been appointed as detailed below (and received mandatory training as required by Licensing Committee and Planning Committee).
- c) The Leader or Deputy Leader of a political group may nominate any named Member of his/her group as the substitute Member for a Committee meeting by notifying the Proper Officer or the Meeting Administrator of the name of the substitute and the details of the meeting at which they will be substituting; such notification must be made at least one hour before the start of the relevant

meeting. Notification by a Councillor purporting to be the substitute Member will not be accepted.

- d) In the event that the substantive Member of the Committee subsequently attends the meeting the substitute Member must take no further part in the meeting.

## 27. Summoning of Meetings

27.1 Those listed below may request the Chief Executive to call a Full Council meeting in addition to Ordinary Meetings:

- a) The Council (by resolution);
- b) The Chair of the Council;
- c) The 'Designated Officers';
- d) Any 5 members of the Council - if they have signed a requisition presented to the Chair of the Council and the Chair has either refused to, or has failed to call, such a meeting within 7 days of presenting their requisition;
- e) The notice convening such a requisitioned meeting shall state the names of those Councillors requesting it and the business which they wish to have dealt with.

## 28. Time Limits for All Meetings\*

28.1 A meeting of Full Council or other committees including the Scrutiny Committees shall not exceed 3 hours in duration except in accordance with Council Procedure Rule 29 below.

28.2 If the business of the meeting has not been completed within that time, the Chair of the Council or Chair of the relevant Committee will interrupt the debate to announce the time and call for a vote to be taken immediately on the item under discussion.

28.3 No member will be able to address the meeting after the Chair of the Council's or Chair of the relevant Committee's interruption on any item appearing on the agenda.

28.4 Any items remaining on the agenda, which have not been considered, will be adjourned to the next scheduled meeting or a date to be fixed before the meeting adjourns.

28.5 Any suspension of time for adjournments during the meeting shall not count towards the 3-hour time limit.

## 29. Suspension of Council Procedure Rules\*

29.1 A motion to suspend a particular procedural Rule shall state the particular purpose and require a majority of at least half the total number of members appointed to that Council Meeting or Committee.

29.2 On occasions that Rule 28(1) is being waived, the duration of the suspension shall not exceed 30 minutes and shall, if seconded, be put to the vote without discussion.

29.3 Rule 28(1) can only be suspended once per meeting. However, the Chair of the Council, Chair of Planning Committee (see 29.4) or Chair of the Licensing Committee may decide otherwise in respect of the meeting they are chairing. This will generally only occur in exceptional circumstances.

29.4 Rule 28(1) can only be suspended twice per meeting of the Planning Committee (as per 28(6) above), in accordance with 29.2. Planning Committee meetings shall not exceed 4 hours in duration (with the Chair having discretion to conclude an agenda item if part way through).

29.5 Rules 21 and 25 cannot be suspended.

### **30. Application of Procedure Rules\***

30.1 These Procedure Rules shall apply to meetings of the Full Council. Those Rules marked “\*”, shall also apply to meetings of all Regulatory Committees, the Executive, the Audit and Governance Committee, Standards Committee, Corporate Scrutiny Committee and Community Scrutiny Committee, and any other formal decision making meeting (subject to the necessary changes in wording).

### **31. Withdrawal from Meetings**

31.1 Where a member has a Disclosable Pecuniary Interest in any business of the Council, whether registered under paragraphs 2.2.1 of the Council’s Code of Conduct or not, and you attend any meeting of the Council, its Executive or any Committee, Sub-Committee, Joint Committee at which that business is to be considered you must:

- a) Not seek to influence a decision about that business;
- b) Disclose to that meeting the existence and nature of that interest no later than the start of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you. The exception to the requirement to disclose an interest is if the matter is a sensitive interest as set out in paragraph 2.11 of the Code of Conduct;
- c) Withdraw from the meeting room or chamber including the public gallery as soon as it becomes apparent that the business is being considered at that meeting;

Unless you have obtained a dispensation from the Council’s Monitoring Officer or the Standards Committee.

31.2 Where a member has a prejudicial interest as defined in the Council's Code of Conduct the member must:

- a) Not participate in any discussion of the matter at the meeting;
- b) Not participate in any vote on the matter at the meeting;
- c) Disclose the existence and nature of the interest to the meeting and leave the room where the meeting is being held while any discussion or voting takes place on the matter.

31.3 Where a member has a prejudicial interest in any business of the Council, the member may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business and he/she must leave the meeting immediately after making those representations, answering questions or giving evidence.