

PART 4a - COUNCIL PROCEDURE RULES

Note: Meetings of the Council may be Annual, Ordinary, Special or Extraordinary as set out below, and the rules apply according to the type of meeting.

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

1.1.1 In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days immediately following the date of retirement of the outgoing Councillors. The Annual Meeting following an ordinary council election shall consider the following business in the following order:

- (i) To elect a councillor to serve as Mayor of the borough for the ensuing year.
- (ii) To approve the minutes of the last meeting (as appropriate);
- (iii) To receive any announcements from the newly-elected Mayor and/or Chief Executive;
- (iv) To receive a report from the Chief Executive on the outcome of the Election, the membership and size of political groups, the Councillors appointed by their groups as the party leaders, deputy leaders and party whips, and the schedule of Motions to Council for the civic year;
- (v) To elect a councillor to serve as Leader of the Council for a term of four years;
- (vi) To receive a report (either verbal or written) from the newly elected Leader setting out:
 - (a) the appointment of a Deputy Leader;
 - (b) the appointment of between 2 and 9 Councillors as members of the Cabinet;
 - (c) the allocation of Cabinet Portfolios;

- (d) the delegation of executive powers as permitted by Part 3 of the Council's Constitution;
- (vii) To receive a report from the Leader on his/her priorities for the forthcoming year.
- (viii) To appoint at least one Overview & Scrutiny Committee, as required by the Local Government Act 2000.
- (ix) To appoint such other committees as the Council considers appropriate to discharge the authority's functions that are neither reserved exclusively to the Full Council nor are Executive functions (as set out in Part 3 of this Constitution) and appoint the membership of those committees in accordance with Council Procedure Rule 1.3.
- (x) To agree a Substitute Member Scheme in accordance with paragraph 5 of these Procedure Rules for inclusion in the Committee Procedure Rules (Part 4b).;
- (xi) To agree the Scheme Of Delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (xii) To finalise the programme of Ordinary Meetings of the Council for the year, incorporating any consequential amendments arising from Council's decision on the establishment of committees for the civic year;
- (xiii) To appoint representatives to serve on other bodies/ organisations outside of the authority;
- (xiv) To consider any business set out in the Notice convening the meeting.

1.1.2 In years without ordinary elections, the business conducted at the Annual Council Meeting will be as set out in paragraph 1.1.1 above except:

- (a) that the report at paragraph (iv) will only be necessary if there has been a change in membership or office-holder of any party not previously reported to Council;
- (b) the election of a Leader of the Council (paragraph (v)) will only be necessary if the post is vacant at that time; and
- (c) the following shall be substituted for sub-paragraph (vi):
 - (vi) To receive a report from the Leader of the Council as to the Executive's priorities and the membership of the Cabinet, portfolio responsibilities and delegated powers for the ensuing year.

1.1.3 Councillors' Question Time and Public Speaking Rights will not take place in meetings convened under this section.

1.2 **Statements at the Annual Council Meeting**

1.2.1 The normal rules of debate shall apply to business conducted at the Annual Council meeting with the following exceptions:

Agenda item (i)

- (i) The incoming Mayor may address the Council following his/her election (5 minutes);
- (ii) The newly-elected Mayor may call for a vote of thanks for the outgoing Mayor, followed by a speech by the outgoing Mayor (10 minutes);

Agenda item (vii)

- (iii) The Leader of the Council may speak on his/her priorities and issues for the ensuing year;
- (iv) If a statement is made by the Leader of the Council, the Leaders of other political groups then may also make statements.

1.3 **Selection of Councillors on Committees and Outside Bodies**

1.3.1 At the Annual Meeting, the Council meeting will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of Councillors to serve on each committee and outside body;
- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive; and
- (vi) as appropriate, appoint and review the appointment of Co-opted Members to serve on committees and sub-committees.

2. ORDINARY MEETINGS

2.1 Ordinary Meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary Meetings will have an agenda similar to the example listed below:

- (i) elect a person to preside if the Mayor is not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from Councillors;
- (iv) receive any announcements from the Mayor, Leader, members of the Cabinet or the Chief Executive: announcements other than from the Mayor shall be limited to 3 minutes;
- (v) receive public statements or petitions in accordance with paragraph 11 of these Procedure Rules;
- (vi) receive questions and answers in accordance with paragraph 12 of these Procedure Rules;
- (vii) debate motions submitted under paragraph 13 of these Procedure Rules;

- (viii) receive reports if any from Officers, the Executive, and / or the Council's committees;
- (ix) agree annual work programme(s) for Overview and Scrutiny Committee(s);
- (x) at the discretion of the Mayor, receive reports from Overview and Scrutiny Committees;
- (xi) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xii) deal with any outstanding business from the last Council meeting;
- (xiii) consider any other business specified in the summons to the meeting;
- (xiv) at the second ordinary meeting of the civic year, if the Leader of the Council requests (made to the Director of Governance and Law or his/her nominee), to receive the Leader's Autumn Statement on annual progress on key issues and priorities, and a provisional update to the Medium Term Financial Strategy. If an Autumn Statement is made by the Leader of the Council, the leader of any other political groups then may also make a statement, following which the Leader of the Council may exercise a right of reply; and
- (xv) at the third ordinary meeting of the civic year, to approve a draft programme of Ordinary Meetings of the Council for the year, to be finalised at the next Annual Meeting.

3. EXTRAORDINARY MEETINGS

3.1 Calling Extraordinary Meetings

- 3.1.1 Those listed below may request the Chief Executive to call Council meetings in addition to Ordinary Meetings:
- (i) the Council by resolution;
 - (ii) the Mayor;

- (iii) any 5 members of the Council if they have signed a requisition presented to the Mayor and s/he refused to call a meeting or has failed to call a meeting within 7 days of the presentation of the requisition;
 - (iv) the Monitoring Officer.
- 3.1.2 Except in respect of (i) above, those requesting an extraordinary meeting must do so in writing, and must state the business to be conducted at the extraordinary meeting. The agenda for the extraordinary meeting shall specify the business to be conducted.
- 3.1.3 Where an extraordinary meeting has been convened following requisition by 5 or more councillors, any two or more of those councillors may submit a motion for debate relating to the business specified in the requisition. Section 13 (Notices of Motion) of these Procedure Rules shall apply to motions submitted for debate at an Extraordinary Meeting except that (a) only one motion shall be accepted for the meeting, (b) notice of the motion must be signed by at least two of those councillors requisitioning the meeting and no other signatures shall be required, (c) notice of the motion must be submitted to the Chief Executive at least two working days before the meeting, and (d) the motion will not count for the purposes of Procedural Rule 13.1 (rotation of party motions).
- 3.1.4 The agenda for an Extraordinary Meeting may include Appointments and Urgent Business as permitted under the Local Government Act 1972, in addition to the business specified in the requisition/ request for an Extraordinary meeting.
- 3.1.5 The provisions for members of the public to ask questions and present petitions under paragraph 11 of these Procedure Rules shall apply to Extraordinary meetings, except that public speaking and petitions must relate to the business on the agenda.

4. SPECIAL MEETINGS

- 4.1 Special meetings of the Council are those meetings that are called for the purpose of considering one or more specified issues (for example, the setting of Council Tax).
- 4.2 Special meetings will generally consist of those items specified on points (i), (ii), (iii), (iv), (v) (viii) and (xi) of the example agenda for ordinary meetings contained in paragraph 2.1 of this Constitution.
- 4.3 The provisions for members of the public to ask questions and submit petitions under paragraph 11 of these Procedure Rules shall apply to special meetings, except that public speaking and petitions must relate to the business on the agenda.

5. APPOINTMENT OF SUBSTITUTE MEMBERS

- 5.1 The Council will agree at its Annual Meeting a Substitute Member Scheme for inclusion in the Committee Procedure Rules.

6. TIME AND PLACE OF MEETINGS

- 6.1 The time and place of meetings will be determined by the Proper Officer (Chief Executive) and notified in the summons.

7. NOTICE OF AND SUMMONS TO MEETINGS

- 7.1 The Proper Officer (Chief Executive) will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least 5 clear days before a meeting, the Proper Officer (Chief Executive) will send a summons to every Member of the Council. 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.

8. MAYOR

8.1 The person presiding at the meeting may exercise any power or duty of the Mayor.

9. QUORUM

9.1 The quorum of a meeting shall be one-quarter of the membership eligible to vote or the nearest whole number above one-quarter. During any meeting if the Mayor counts the number of Members present and declares there is not a quorum present and unless a quorum is restored within a period considered reasonable by the Mayor, then the meeting will adjourn or be brought to an end. Remaining business will be considered at a time and date fixed by the Mayor. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. DURATION OF MEETING

10.1 Interruption of the meeting

10.1.1 If the business of the meeting has not been concluded within 3 hours (including any period of adjournment), the Mayor must interrupt the meeting and call for the vote immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion. All Procedure Rules bar those relating to Disorderly Conduct and voting will be suspended.

10.2 Motions and recommendations not dealt with

10.2.1 If there are other motions or recommendations on the agenda that have not been dealt with within the 3 hour time limit, they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

10.3 Recorded vote (or Poll Vote)

10.3.1 If a recorded vote is called for during this process it will be taken immediately using electronic voting where available.

10.4 Motions which may be moved

10.4.1 During the process set out in Rules 10.1-10.3 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

10.5 **Close of the meeting**

10.5.1 When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

11. PUBLIC PARTICIPATION AT COUNCIL MEETINGS

11.1 General

11.1.1 An item for Public Statements shall be included on the agenda for ordinary meetings of the Full Council to enable members of the public who live, work or study in the borough to make statements and present petitions at Meetings of the Council. Public speaking will normally take place during the Public Statements agenda item; however, the Mayor may, at his or her discretion, invite the speaker to make a statement at any other part of the meeting where there is a relevant item on the agenda.

11.1.2

11.1.3 Additionally, speakers from outside the borough may be invited to address the Council on matters relevant to the borough, with the agreement of the Mayor in consultation with the Group Whips. Public Speaking Time will not take up more than 15 minutes in total of a Council meeting. Each speaker will be limited to a 3 minute statement. The arrangements set out in paragraphs 11.2 to 11.10 below shall apply in respect of public statements.

11.1.4 In addition the Council will maintain a Petitions Scheme under which petitions containing a minimum number of signatories as specified in the scheme shall be debated at Full Council. The procedures set out in paragraph 11.11 below shall apply in such cases.

11.2 Order of statements

11.2.1 Statements will normally be made in the order in which notice was received. except that the Mayor may reorder or group together related statements.

11.3 Notice of statements

11.3.1 A statement can only be made if a notice and the subject of the statement is delivered to the Mayor no later than 12.00 noon on the working day before the Council meeting. The notice must give the name and address of the speaker and must specify the issue the statement will be about.

11.4 **Number of statements**

11.4.1 At any one meeting no person may submit more than one statement and no more than one such statement may be made on behalf of a single organisation.

11.5 **Scope of statements**

11.5.1 The Mayor, as Chair of the Council meeting may reject a statement or request a speaker to stop speaking if the statement:

- (i) is not about a matter for which the local authority has a responsibility or which affects the Borough;
- (ii) is defamatory, frivolous or offensive;
- (iii) is substantially the same matter which has been put at a meeting of the Council in the past six months;
- (iv) requires the disclosure of confidential or exempt information.

11.6 **Record of statements**

11.6.1 The fact a statement has been made will be recorded in the minutes of the Council meeting.

11.7 **Making the statement at the meeting**

11.7.1 The Mayor will invite the speaker to make their statement. If a speaker who has submitted a written statement is unable to be present, they may ask the Mayor to make the statement on their behalf.

11.7.2 The Mayor may, at his or her discretion, make the statement on the speaker's behalf and may indicate that a written reply will be given.

11.7.3 The Mayor may decide, in the absence of the speaker, that the statement will not be dealt with.

11.8 **Reference of statement to the Cabinet or a committee**

11.8.1 No discussion will take place on any statement, but the Leader of the Council or the relevant Portfolio-Holder or nominee may respond orally at the meeting for a maximum of 3 minutes, or subsequently in writing to the speaker. Any member may move that a matter raised by a statement be referred to the Cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

11.9 **Written answers**

11.9.1 Any statement which cannot be dealt with during Public Speaking Time because of lack of time will be dealt with by a written answer from the appropriate Cabinet Portfolio Holder.

11.9.2 All Members shall receive a copy of the statement and the reply from the Portfolio Holder.

11.10 **Petitions and Deputations**

11.10.1 Members of the public may present petitions (comprising 10 or more signatures) at Council meetings or may ask to be received as a deputation. Such presentations will be part of Public Speaking Time and subject to the same rules of notice and arrangements as detailed in paragraphs 11.1 to 11.9.

11.11 **Council Debates of Petitions under the Petitions Scheme**

11.11.1 Under the Council's Petition Scheme, the following arrangements will apply where a petition is to be debated at a Council meeting:

11.11.2 A representative of the petition organisers may address the Council on the topic concerned for 3 minutes.

11.11.3 The Leader of the Council and / or another executive member (nominated by the Leader) will respond and move an appropriate motion for debate which may propose either:

- (i) subject to (v), to give effect to the petition either in whole or in part;
- (ii) to not to take the action requested;

- (iii) to commission any further consideration or investigation of the matter, e.g. reference to the relevant overview and scrutiny committee; and/or
- (iv) any other decision within its terms of reference in relation to the subject matter of the petition;
- (v) Where the petition relates to a matter which must be decided by the Executive, the Council may not give effect to the petition but may make recommendations to the executive in respect of the matter, including for it to give effect to the petition.
- (vi) Another executive member will second the motion at 11.11.3 (or any other member nominated by the Leader).

11.11.4 The Rules of Debate at Rule 14 will apply to petition debates including that speeches must relate directly to the subject matter of the petition, and time limits.

11.12 Reporting on Proceedings by the Public

11.12.1 These are mandatory standing orders under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and The Openness of Local Government Bodies Regulations 2014.

11.12.2 Decision-making bodies are required to permit any person attending a meeting of such a body to report on the proceedings.

11.12.3 For the purposes of this rule, report on proceedings is defined as:

- (i) filming, photographing or making an audio recording of proceedings at a meeting;
- (ii) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; and
- (iii) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.

- 11.12.4 Any person who attends a meeting for the purpose of reporting on the meeting may use any communication method, including the internet, to publish, post or otherwise share the results of that person's reporting activities. Publication and dissemination may take place at the time of the meeting or occur after the meeting.
- 11.12.5 The public must be excluded from a meeting during an item of business whenever—
- (i) it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence;
 - (ii) the decision-making body concerned passes a resolution to exclude the public during that item where it is likely, in view of the nature of the item of business, that if members of the public were present during that item, exempt information would be disclosed to them; or
 - (iii) a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting.
- 11.12.6 A resolution under Rule 11.12.5(ii) must:
- (i) Identify the proceedings, or the part of the proceedings to which it applies, and
 - (ii) state, by reference to the descriptions in Schedule 12A of the 1972 Act (access to information: exempt information), the description of exempt information giving rise to the exclusion of the public.
- 11.12.7 The public may only be excluded under Rule 11.12.5(i) or (ii) for the part or parts of the meeting during which it is likely that confidential information or exempt information would be disclosed.
- 11.12.8 Without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting, the decision-making

body is not to have the power to exclude members of the public from a meeting while it is open to the public.

11.12.9 Where any person is excluded from a meeting under rules 11.12.5-11.12.8, a decision making body may also prevent any person from reporting proceedings using methods:

- (i) which can be used without that person's presence at the meeting, and
- (ii) which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later.

11.12.10 While the meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report.

11.12.11 The public part of the meeting may be webcast.

11.13 Participation by the Youth Independent Advisory Group, Waltham Forest Young Advisors and Children in Care Council

11.13.1 The Youth Independent Advisory Group (YIAG), Waltham Forest Young Advisors (YA) and/or Children in Care Council (CICC) may nominate a spokesperson or spokespeople to address Council on issues relevant to their work. Statements must be made in accordance with Rules 11.1-11.9, but will be in addition to the overall Public Speaking Time limit set out in Rule 11.1, up to a maximum of 15 further minutes.

12. COUNCILLORS' QUESTIONS

12.1.1 Councillors may submit and / or ask questions of Executive Members about matters relevant to their portfolio and / or about their annual report at an ordinary Council meeting in accordance with these rules.

12.1.2 At each Ordinary Council Meeting, at least one Member of the Executive and one Junior Cabinet Member may present a written annual report on work relating to their respective portfolios and may speak to up to 3 minutes on their report.

- 12.1.3 A councillor may ask questions of an Executive or Junior Executive Member on the content of their report. Questions may be asked in writing for a written reply or orally for an oral reply.
- 12.1.4 The Leader will determine the order in which Executive Members will present their annual reports at ordinary council meetings over the municipal year.
- 12.1.5 Executive Members' reports must be submitted to the Chief Executive **no later than noon eight calendar days prior to the meeting for publication with the agenda**, unless the Mayor agrees there is good reason for a delay.
- 12.1.6 No more than 45 minutes in total will be taken up with Councillors' questions. The Mayor will determine, having regard to notices received of questions to be asked and following consultation with the party whips as appropriate, the allocation of time between written and oral questions and between party groups. If it appears likely that the number of questions will exceed the time allocation, the Mayor will endeavour to divide the available time proportionately between the party groups.
- 12.2 Written Questions**
- 12.2.1 Written questions to Executive Members and / or on annual reports of the Executive at the relevant meeting must be submitted to the Chief Executive **by 5.30 pm on the third working day prior to the meeting**. Written questions together with written replies will be circulated with the Order Paper.
- 12.2.2 At the Council meeting, written questions and replies will be taken as read.
- 12.2.3 The councillor who asked the question may ask one supplementary question for response at the meeting.
- 12.2.4 Where the information for a reply cannot be obtained in time for the meeting the councillor responsible for answering a written question may reply in writing after the meeting, in which case the response will be copied to all councillors.

12.2.5 A copy of the written questions and the written replies given shall be appended to the minutes of the meeting.

12.3 Oral Questions

12.3.1 Councillors may indicate to the Mayor at the meeting if they wish to ask an oral question. No notice of the question nor the topic will be required, but the question must be about a matter for which the Council has a responsibility or which affects the borough. An oral question may not be asked on the same topic as a written question by the councillor who submitted that written question.

12.3.2 After the question has been put, the Mayor will call on an appropriate councillor to respond. The original questioner may then ask a supplementary question on the matter concerned for a further oral reply.

12.3.3 Other oral questions (if any) will then be taken until there are no further questions or all the time allocated for questions has been taken up.

12.3.4 A summary indicating the matters raised in the oral questions, the councillor asking each question and the Councillor replying shall be recorded in the minutes of the meeting.

13. NOTICES OF MOTIONS

13.1 There shall be one Notice of Motion at any ordinary meeting of the Council. Entitlement to submit a Notice of Motion will be rotated among political groups, and the schedule of Motions will be agreed at the Annual Council Meeting.

13.2 Notice

13.2.1 Notice of every motion, other than a motion under Rule 14 (motions which may be moved without notice), must be in writing and signed by at least 2 councillors, at least one of whom must be the Leader, Deputy Leader or party whip of the relevant political group (signifying the name of mover and seconder of the Motion who need not be the signatories) and be delivered to

the Proper Officer (Chief Executive) at least 8 working days before the day of the Council meeting. It shall be dated, numbered in the order in which it is received and entered in a book which shall be open to the inspection of every councillor.

13.3 Motion set out in agenda

13.3.1 If a motion set out in the summons is not moved by the Councillor who gave notice or by another Councillor acting on their behalf, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

13.3.2 Written amendments to the motion set out in the agenda must be submitted to Democratic Services **no later than 12 noon one calendar day before the meeting for publication with the Order Paper**, and must be made in accordance with Rule 15.6.

13.4 Scope

13.4.1 Motions must be about matters for which the Council has statutory responsibility and that affect the community. No motion of which notice has been given under Rules 13.1 to 13.3, shall be considered at the Annual Meeting of the Council.

13.4.2 It shall be the duty of the Chief Executive, after consultation with the Mayor, to refuse to accept any motion which s/he deems to be illegal, scurrilous, improper or out of order and it shall be the duty of the Chief Executive at the direction of the Mayor to exclude all quotations, extracts or other matters which would not form a necessary part of the resolution should the motion be adopted.

13.5 Motions Affecting Persons Employed by the Council

13.5.1 If any matter arises at a meeting to which the Local Government Act 1972 applies by virtue of Section 100 (A) (2) as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service or as to the conduct of any person employed by the Council, such matter shall not be the

subject of discussion until the Council or relevant Committee as the case may be, has decided whether or not the power to exclude the public under Section 100 (A) (2) of the Local Government Act 1972 shall be exercised.

13.6 **Time**

13.6.1 Discussion of any motion of which notice has been given under Rule 13.1 to 13.5 shall not exceed 45 minutes in duration.

13.7 **Reporting back on motions agreed at a previous meeting**

13.7.1 As part of the Announcements agenda item, the Leader, relevant Cabinet member or the Chief Executive will report back on motions agreed at a previous meeting.

14. **MOTIONS WITHOUT NOTICE**

14.1 The following motions may be moved without notice:

- (i) to appoint a chair of the meeting at which the motion is moved;
- (ii) in relation to the accuracy of the minutes;
- (iii) to change the order of business in the agenda;
- (iv) to refer something to an appropriate body or individual;
- (v) to appoint a committee or member arising from an item on the summons for the meeting;
- (vi) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (vii) to withdraw a motion;
- (viii) to amend a motion;
- (ix) to proceed to the next business;
- (x) that the question be now put;
- (xi) to adjourn a debate;

- (xii) to adjourn a meeting;
- (xiii) to suspend a particular Council Procedure Rule in accordance with Rule 24.1;
- (xiv) to exclude the public and press in accordance with the Access to Information Rules;
- (xv) to not hear further a Councillor named under Rule 22.3 or to exclude them from the meeting under Rule 22.4;
- (xvi) to give the consent of the Council where its consent is required by this Constitution;
- (xvii) to resolve itself into committee.

15. RULES OF DEBATE

15.1 No speeches until motion seconded

- 15.1.1 No speeches may be made after a councillor has moved a proposal and explained the purpose of it until the motion has been seconded.

15.2 Right to require motion in writing

- 15.2.1 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.

15.3 Secunder's speech

- 15.3.1 When seconding a motion or amendment, a Councillor may reserve their speech until later in the debate.

15.4 Content and length of speeches

- 15.4.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed three minutes except that of the proposer of a motion and the seconder of a motion, who may speak for five minutes.

15.4.2 This rule does not apply to the Council Leader in moving the Report recommending the Council Tax and the related speeches of the leader of any other political group, or where a different (or no) time restriction is specified in the Procedure Rules.

15.4.3 If the Leader elects to make an Autumn Statement as set out in 2(xiv) above, there is no time limit on the Leader's speech and the leader of any other political group may speak in response for 10 minutes. There will be no debate on the Statement and the Leader has a right of reply of 3 minutes.

15.5 **When a Councillor may speak again**

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

- (i) to speak once on an amendment moved by another Councillor;
- (ii) to move a further amendment if the motion has been amended since s/he last spoke;
- (iii) if her/his first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which s/he spoke was carried);
- (iv) in exercise of a right of reply;
- (v) on a point of order;
- (vi) by way of personal explanation;
- (vii) to ask a question of the mover of the motion or amendment if in the opinion of the Mayor the question will facilitate the debate.

15.6 **Amendments to motions**

15.6.1 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;
- (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- 15.6.2 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.
- 15.6.3 As an exception to paragraph 15.6.2 above, where the Mayor considers that it will assist the conduct of the debate and business of the meeting, s/he may rule that more than one amendment may be moved and discussed at any one time. In making such a ruling, the Mayor will seek the advice of the Chief Executive and/or the Monitoring Officer.
- 15.6.4 If an amendment is not carried, other amendments to the original motion may be moved.
- 15.6.5 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.
- 15.6.6 After an amendment has been carried, the Mayor may read out or require a copy of the amended motion to be circulated before accepting any further amendments, or if there are none, put the amended motion to the vote.

15.7 Council Budget and Council Tax

- 15.7.1 Amendments to any budget proposals recommended or moved by the Executive relating to the level of Council Tax and/or the Council budget for the following year (other than minor amendments) may only be moved and seconded if notice is given to the Chief Executive as indicated below.
- 15.7.2 Notice must be given by 5.30 pm on the third working day before the Council meeting, or the day following publication of the Executive's recommendations, whichever is the later.

- 15.7.3 Similarly, the Leader of the Council (or mover of the Executive's recommendations), may not alter the Executive's recommendations at or prior to the Council meeting, unless 3 working days' notice has been given of the proposed alteration, except for minor alterations.
- 15.7.4 Minor amendments/alterations which do not require notification under this Procedure Rule are ones which:
- (a) would not alter the Executive's recommendation as to the level of Council tax; or
 - (b) would not constitute a key decision, as defined in Part 5 of the Constitution, if it were to be considered outside the budget approval process, or
 - (c) the Director of Finance advises that the amendment would not cause an unlawful budget to be set.
- 15.7.5 Where notice of a proposed amendment or alteration is given under paragraphs 15.7.2 or 15.7.3, the officers will advise within one working day on its acceptability; if the proposed amendment/ alteration is advised not to be permissible for legal reasons the councillors submitting the proposed amendment will be permitted a further one working day to revise and re-submit their amendment/ alteration.
- 15.7.6 Changes made by/at a Full Council meeting to the council budget and council tax may be subject to review subsequently, if the Monitoring Officer considers that there are legal, financial or other relevant implications which have not been sufficiently considered.
- 15.7.7 All votes on the setting of the Council Budget and Council Tax (including any amendments, alterations or "alternative budgets") will be recorded as set out in paragraph 18.6.

15.8 **Alteration of motion**

15.8.1 A motion on the agenda of which notice has been given notice, may be altered by the mover of the motion with the consent of the meeting. The meeting's consent will be signified without discussion and must be given prior to the motion (with the proposed alterations) being moved and seconded.

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

15.8.3 Only alterations which could be made as an amendment may be made.

15.9 **Withdrawal of motion**

15.9.1 A Councillor may withdraw a motion which s/he 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.

15.10 **Right of reply**

15.10.1 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

15.10.2 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.

15.10.3 The mover of the amendment has no right of reply to the debate on her/his amendment.

15.11 **Motions which may be moved during debate**

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

- (i) to withdraw a motion;
- (ii) to amend a motion;

- (iii) to proceed to the next business;
- (iv) that the question be now put;
- (v) to adjourn a debate;
- (vi) to adjourn a meeting;
- (vii) to exclude the public and press in accordance with the Access to Information Rules;
- (viii) to not hear further a Councillor named under Rule 22.3 or to exclude them from the meeting under Rule 22.4

15.12 Closure motions

15.12.1 A Councillor may move, without comment, the following motions at the end of a speech of another member:

- (i) to proceed to the next business;
- (ii) that the question be now put;
- (iii) to adjourn a debate; and/or
- (iv) to adjourn a meeting.

15.12.2 If a motion to proceed to next business is moved and seconded and the Mayor thinks the item has been sufficiently discussed, s/he will put the procedural motion to the vote. If the procedural motion is carried the Mayor will give the mover of the original motion a right of reply, and then move to next business.

15.12.3 If a motion that the question be now put is moved and seconded and the Mayor thinks the item has been sufficiently discussed, s/he will put the procedural motion to the vote. If it is passed s/he will give the mover of the original motion a right of reply before putting her/his motion to the vote.

15.12.4 If a motion to adjourn the debate or to adjourn the meeting is moved and seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, s/he will

put the procedural motion to the vote. If the procedural motion is carried the debate or meeting as appropriate shall be adjourned without giving the mover of the original motion the right of reply.

15.13 **Point of order**

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

15.14 **Personal explanation**

15.14.1 A Councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The Mayor's ruling on the admissibility of a personal explanation will be final.

16. **STATE OF THE BOROUGH DEBATE**

16.1 **Calling of Debate**

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

16.1.2 The Leader may choose to hold workshops and other events prior to/during the State of Borough Debate.

16.2 **Results of the Debate**

16.2.1 A note or report of the Debate will be:

- (i) disseminated as appropriate within the community and to agencies and organisations in the area;
- (ii) published on the Council's website;

- (iii) considered by the Leader in proposing the Budget and Policy Framework to the Council for the coming year.

17. PREVIOUS DECISIONS AND MOTIONS

17.1 Motion to rescind a previous decision

- 17.1.1 A motion to rescind a decision made at a meeting of Council within the past 6 months may not be moved unless the notice of motion is signed either by the Leader of the Council or by at least 5 Councillors (including the councillors required to be signatories under Procedure rule 13.2.1).

17.2 Motion similar to one previously rejected

- 17.2.1 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past 6 months may not be moved unless the notice of motion or amendment is signed either by the Leader of the Council or by at least five Councillors (including the councillors required to be signatories under Procedure rule 13.2.1).

18. VOTING

18.1 Majority

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

- 18.1.2 .Whether as provided below, a vote is taken by affirmation, show of hands, electronically or roll-call, the Mayor will call for those in favour, those against and any abstentions.

18.2 The Mayor's casting vote

- 18.2.1 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.

18.3 Show of hands

18.3.1 Unless a recorded vote (Poll vote) is demanded under Rule 18.4 or required under Rule 18.6, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

18.4 **Recorded vote (Poll vote)**

18.4.1 If five Councillors present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded electronically where the facilities exist, or taken down in writing, and entered into the minutes. A demand for a recorded vote will override a demand for a vote by show of hands.

18.5 **Right to require individual vote to be recorded**

18.5.1 This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993/222 Schedule 2.

18.5.2 Where any Councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

18.6 **Recorded vote (Poll vote) on Council Budget and Council Tax**

18.6.1 This is a mandatory standing order under The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

18.6.2 Immediately after any vote is taken at a budget decision meeting of an authority there will be recorded in the minutes the names of the persons who cast a vote for or against the decision or who abstained from voting. This includes any decision relating to the making of the calculation of the precept including alterations and amendments.

18.7 **Voting on appointments**

18.7.1 If there are more than 2 Members or other persons nominated for any position to be filled and there is not a majority of votes in favour of one member / person, then the name of the Member / person with the least

number of votes will be removed from the list and a new vote taken. The process will continue until there is a majority of votes for one person.

- 18.7.2 Where there are 2 or more appointments to be made to a body and more nominations than there are places to be filled, a vote will be taken on each vacancy individually following the above process.

19. MINUTES

19.1 Signing the minutes

- 19.1.1 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 minutes may be challenged only as to their accuracy before they are signed.

20. RECORD OF ATTENDANCE

- 20.1 A record of all Councillors present during the whole or part of a meeting will be included in the minutes of the meeting.

21. EXCLUSION OF PUBLIC

- 21.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 8 of this Constitution or Rule 23 (Disturbance by Public).

22. COUNCILLORS' CONDUCT

- 22.1 A Councillor shall not speak unless called by the Mayor. When speaking a Councillor should normally stand and must address the meeting through the Mayor. Other Councillors must remain seated and orderly whilst a Councillor is speaking except to indicate if they wish to make a point of order or a point of personal explanation or, following another councillor's speech, to move a procedural motion.

22.2 Mayor standing

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

22.3 Councillor not to be heard further

22.3.1 If 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.

22.4 Councillor to leave the meeting

22.4.1 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.

22.5 General disturbance

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

23. DISTURBANCE BY PUBLIC

23.1 Removal of member of the public

23.1.1 If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

23.2 Clearance of part of meeting room

23.2.1 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.

24. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

24.1 Suspension

24.1.1 All of these Council Rules of Procedure except Rules 18.5, 18.6 relating to recorded voting, and 19.1 relating to signing the minutes may be suspended by motion supported by a simple majority of those present. Suspension can only be for the duration of the meeting.

24.2 Procedure to suspend (Article 16.1.2 of Part 1 of the Constitution)

24.2.1 A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1 and reproduced below:

(Article 1.2.1) The purpose of the Constitution is to:

- enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- support the active involvement of citizens in the process of local authority decision-making;
- help Councillors represent their constituents more effectively;
- enable decisions to be taken efficiently and effectively;
- create a powerful and effective means of holding decision-makers to public account;
- ensure that no one will review or scrutinise a decision in which they were directly involved;
- ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- provide a means of improving the delivery of services to the community.

24.3 Amendment

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

25. APPLICATION TO THE EXECUTIVE & COMMITTEES

- 25.1 All of the above rules apply to meetings of full Council.
- 25.2 None of the above rules apply to executive meetings (There are separate Procedure rules for Executive meetings, contained in Part 5 of the Council's Constitution).
- 25.3 Rules relating to procedure at committee meetings are contained in Part 4b of the Constitution.

26. NOTIFICATION OF CANCELLATION OF MEETING

- 26.1 The Proper Officer (Chief Executive) after consultation with the Mayor may issue, owing to exceptional circumstances, a Public Notice of Cancellation of Meeting. The Notice must state reasons for cancellation.