

## **Council Procedure Rules**

### **CONTENTS**

#### **Rule**

1. Annual meeting of the Council
2. Ordinary meetings
3. Extraordinary meetings/Special meetings
4. Time and place of meetings
5. Notice of and summons to meetings
6. Chair of meeting
7. Quorum
8. Duration of meeting
9. Questions by the public
10. Questions and Observations by Members
11. Motions on notice
12. Motions on Expenditure
13. Motions without notice
14. Rules of debate
15. Previous decisions and motions
16. Voting
17. Minutes
18. Motions Affecting Council Employees
19. Exclusion of public
20. Members' conduct
21. Disturbance by public
22. Suspension and amendment of Council Procedure Rules
23. Application to committees and sub-committees
24. Attending development control training prior to determining development control application.
25. Substitute Scheme for members with a disability
26. General Substitute Scheme for members

## **1. ANNUAL MEETING OF THE COUNCIL**

### **1.1 Timing and business**

In a year when there is an ordinary election of Members, the annual meeting (Mayor making) will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May.

The annual meeting will:

- (i) elect a person to preside if the chair of Council is not present;
- (ii) elect the chair of Council (Mayor); in doing so will have regard to the protocol in Part 5.5 of the Constitution.
- (iii) elect the vice chair of Council (Deputy Mayor); in doing so will have regard to the Protocol in Part 5.5 of the Constitution.
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the chair;

### **1.2 Selection of Councillors on Committees and Outside Bodies**

The council will at a meeting, i.e. Appointments Council, currently held on the same day and following on from the Annual Meeting:

- (i) elect the Leader, and at any subsequent Appointments Council Meeting held on the date on which the Leader's term of office as Leader ends i.e. up to 4 years, in accordance with Article 7.  

Election of the Leader will take place at the Appointments Council or at any subsequent Appointments Council held on a day when the Leader's term of office is to end by virtue of Section 44 of the Local Government Act 2000 (as amended i.e. The first Appointments Council after the Leader's normal day of retirement as a Member.)
- (ii) if before the expiry of the Leader's term of office, the Leader resigns the office of Leader, or ceases to be a Member, or is removed from the Office of Leader by a resolution of the Council under Article 7.03 (d ) in Part 2 of the Constitution, then the Council will elect a new Leader as soon as is reasonably practicable.  

The Leader will appoint between 2 and 9 Members to the Executive (one of whom will be appointed by the Leader to act as Deputy Leader).
- (iii) approve a programme of ordinary meetings of the Council for the

- year if not previously agreed; and
- (iv) decide which committees and sub-committees to establish for the municipal year
  - (v) decide any changes to the size and the terms of reference for those committees set out in the Constitution
  - (vi) decide the allocation of seats to political groups in accordance with the political balance rules;
  - (vii) receive nominations of Members to serve on each committee and outside body; and
  - (viii) appoint at least one scrutiny committee, a Standards Committee and any other committees/sub-committees the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3 of this Constitution);
  - (ix) appoint two substitute members per group to each of the committees/sub-committees the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3 of this Constitution).
  - (x) appoint the Chairs and Vice Chairs of those Committees
  - (xi) appoint to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive.
  - (xii) consider any other business set out in the notice convening the meeting.

## 2. **ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided by the Council (currently every 10 weeks). Ordinary meetings will:

- (i) elect a person to preside if the Mayor or Deputy Mayor are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Mayor, leader or members of the Executive;
- (v) receive questions or petitions in accordance with the Council's right to speak provisions or the petition scheme
- (vi) receive reports from the executive and the Council's committees and receive questions and answers on any of those reports;
- (vii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (viii) consider motions; and

- (ix) 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 committees for debate or questions under Rule 10.2

### **3. EXTRAORDINARY MEETINGS/SPECIAL MEETINGS**

#### **3.1 Calling extraordinary meetings/special meetings.**

Those listed below may request the Head of Legal and Democratic Services to call Council meetings in addition to ordinary meetings and must specify the business to be conducted at that meeting.

- i) the Council by resolution-a special meeting;
- ii) the Mayor
- iii) the Monitoring Officer or the Head of Finance and Property (section 151 officer); and
- iv) any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **3.2 Business**

The business to be conducted will be that specified by those calling the meeting. The Head of Legal and Democratic Services may, after consulting the Mayor, include additional items of business on the agenda.

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

The time and place of meetings will be determined by the Head of Legal and Democratic Services and notified in the summons. Ordinary meetings of the Council will normally be held on Wednesday at 6.30 pm.

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

The Head of Legal and Democratic Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Head of Legal and Democratic Services will send a summons signed by him or her by post or other appropriate means to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

### **6. CHAIR OF THE MEETING**

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

### **7. QUORUM**

The quorum of a Council meeting will be one quarter.

For all other meetings the quorum will be one third of the membership of the meeting (rounded up or down to the nearest whole figure where this

would result in a fraction). During any meeting if the chair counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **8. DURATION OF MEETING**

- 8.1 Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for three hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **9. PUBLIC QUESTION TIME**

### **9.1 At Council meetings**

'Public Question Time' will be held during the first 30 minutes of the meeting.

Members of the public may ask a question, make a statement or present a petition, in accordance with the petition Scheme, at a Council meeting provided notice in the prescribed form (including receipt by fax or e-mail) has been received by the Head of Legal and Democratic Services by 5.00 pm on the day before the meeting.

A person asking a question, making a statement or presenting a petition will be allowed a maximum of 5 minutes to speak.

The relevant Executive Member or the Chair (or if absent the Vice Chair) of the appropriate Committee or Sub-Committee will reply initially.

The Executive Member, Chair (or Vice Chair) will have a final right of reply.

Where there is more than one speaker on the same issue the Mayor may, in the interests of the efficient conduct of the meeting, restrict those speaking to one speaker for and one speaker against a proposal or a reduced period of time so that not more than 10 minutes is taken up by speakers on that issue.

If it has not been possible to deal with all the questions or statements received during the time allowed, arrangements will be made to send a written reply as soon as possible.

A record of all people making representations will be included in the Minutes of the meeting

The Mayor will have discretion to disallow any representations especially those which seem defamatory or discriminatory, vexatious, frivolous or otherwise not within the spirit of the Council's right to speak policy in the opinion of the Mayor/chair of the meeting.

Where the person (or nominee of that person) asking a question, making a statement or presenting a petition is a party to a complaint or proceedings against the Council which are currently before a Court, Tribunal, Inquiry or the Ombudsman, or any matter which is awaiting determination by the Council acting under its regulatory powers, then that person or nominee is excluded from these provisions, whether the subject of their request to speak is related to the complaint, proceedings or determination.

Public question time shall not be used to raise any matter which has been raised within the previous 6 months, unless it can be shown that the Council has not delivered on an undertaking given in response to the previous question, or that the circumstances have changed significantly since the original question was asked.

Questions relating to individual decisions made by the Council, Executive or any of its Committees may only be raised within 12 months of the decision being made

Not more than 10 minutes will be allowed for debate.

## 9.2 **At Executive/Committee/Sub-Committee meetings**

'Public Question Time' will be held during the first 30 minutes of the Executive meeting and during the first 15 minutes of Scrutiny Committees/Sub Committees, except in the case of Appeals Committees

for arrangements see procedure rule 9.1 above, requests to speak shall relate to items within the remit of the Executive.

## 9.3 **Different arrangements apply to meetings of the Licensing Committee and the Development Control Committee.**

### (1) Licensing Committee

Members of the public may ask a question, make a statement or present a petition relating to any matter within the remit of the Committee except those matters relating to Private Hire and Hackney Carriage licence applications and any convictions relating to individuals.

A person who has given the required notice will normally be heard at the beginning of the meeting (after the signing of the Minutes of the previous meeting) or at the discretion of the Chair, immediately prior to the discussion of the item on which the representation is being made.

If the agenda item is listed for consideration after the exclusion of the public the person will be heard at an appropriate point in the public part of the meeting at the discretion of the Chair.

Where there is more than one speaker on the same issue the chair may, in the interests of the efficient conduct of the meeting, restrict those speaking to one speaker for and one speaker against a proposal or a reduced period of time so that not more than 10 minutes is taken up by speakers on that issue.

If the number of requests to make representations on a number of issues is so large that the business of the meeting is not likely to be completed in the time available, the Chair may restrict the total time available for representations to not more than 30 minutes.

Notice in the prescribed (green) form must be given by no later than 5.00 pm three days before the day of the meeting.

(2) Development Control Committee

Notice in the prescribed (yellow) form must be given by no later than 5.00 pm three days before the day of the meeting.

The notice must include a summary of the points to be raised.

A person who has given the required notice on any matter within the remit of the Committee will normally be heard at the beginning of the meeting (after the signing of the Minutes of the previous meeting) or at the discretion of the Chair, immediately prior to the discussion of the item on which the representation is being made.

If the agenda item is listed for consideration after the exclusion of the public the person will be heard at an appropriate point in the public part of the meeting at the discretion of the Chair.

Where there is more than one speaker on the same issue the chair may, in the interests of the efficient conduct of the meeting, restrict those speaking to one speaker for and one speaker against a proposal or a reduced period of time so that not more than 10 minutes is taken up by speakers on that issue.

If the number of requests to make representations on a number of issues is so large that the business of the meeting is not likely to be completed in the time available, the Chair may restrict the total time available for representations to not more than 30 minutes.

A person making representations will be allowed to speak for no more than 5 minutes.

10. **QUESTIONS AND OBSERVATIONS BY MEMBERS**

- 10.1 On reports of the Executive Members a Member of the Council may ask the Leader or the relevant Member of the Executive a question and make an observation. On reports of the Chairs of Committees a Member of the

Council may ask the relevant Chair a question and make an observation.. In normal circumstances the relevant Executive Members will respond directly to any questions or observations on Executive Member reports, with the Leader responding if the issue covered more than one portfolio area. In normal circumstances the relevant Chair (or Vice chair if absent) will respond directly to any questions or observations on a Committee Chair's report. Wherever practicable the Member shall give prior notice to the Leader, Executive Member or Chair of their intention to refer to the matter.

#### **10.2 Questions on notice at full Council**

Subject to Rule 10.3, a member of the Council may ask:

- a member of the Executive
- the chair of any committee or sub-committee
- the Council's representative on any outside body

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

#### **10.3 Notice of questions**

A member may only ask a question under Rule 10.2 if either:

- (a) they have given at least two working days notice in writing before the day of the Council meeting of the question to the Head of Legal and Democratic Services; or
- (b) the question relates to urgent matters, they have the consent of the chair to whom the question is to be put and the content of the question is given to the Head of Legal and Democratic Services by 10.00 am on the day of the meeting

#### **10.4 Response**

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

#### **10.5 Members Right to speak at Executive, Committee or Sub-Committee Meetings.**

##### **Meetings or Parts of Meetings Open to The Public**

A Member of the Council may attend meetings of the Executive, Committee and Sub-Committee (other than the Appeals Committee) of which they are not a Member and speak. They will be subject to the same procedure as applies to Members of the Public under Rule 9.

##### **Meetings or Parts of Meetings Not Open to the Public**

Members of the Council do not have an automatic right to attend meetings



or parts of meetings of the Executive, Committees or Sub-Committees of which they are not a Member where those meetings or parts of meetings are not open to the public. Members can however, following the procedure set out in Rule 9, request to attend and speak in the private part of a meeting. The Chair of the meeting may consent to attendance and the Members of the meeting may consent to the Member speaking by a simple majority.

**11. MOTIONS ON NOTICE**

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

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

Motions must be about matters for which the Council has a responsibility or which affect the Borough. The Mayor, after consulting the Head of Legal and Democratic Services, may exclude from the Notice, any Motion which does not meet this requirement.

**12. MOTIONS ON EXPENDITURE**

Any motion which is moved at a Council meeting (otherwise than in pursuance of a recommendation or report of the Executive, or of a Committee after the recommendation or report has been considered by the Executive) and which if carried would materially increase the expenditure or reduce the revenue of any service which is managed by the Council, or would involve capital expenditure, shall when moved and seconded stand referred to the Executive without discussion and considered at a future meeting of the Council.

**13. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to withdraw a motion;
- (g) to amend a motion;
- (h) to proceed to the next business;
- (i) that the question be now put;
- (j) to adjourn a debate;

- (k) to adjourn a meeting;
- (l) that the meeting continue beyond 3 hours in duration
- (m) to suspend a particular council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4;
- (p) to give the consent of the Council where its consent is required by this Constitution, and
- (q) to allow Officers to actively participate in the meeting when dealing with Development control or licensing determinations which are non policy decisions.

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

##### **14.1 No speeches until motion seconded**

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

##### **14.2 Right to require motion in writing**

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

##### **14.3 Secunder's speech**

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

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

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

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

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

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.
- (g) to speak on behalf of another member who is present at the meeting but as a result of incapacity is unable to speak (either on a temporary or permanent basis), the other member may read out

from the incapacitated members own written representations.

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

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.as long as the effect of (ii) to (iv) is not to negate the motion.
- (b) 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.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) 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.
- (e) 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.

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

- (a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

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

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

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

- a) The mover of a motion has a right to reply at the end of the debate on that motion before it is put to the vote.

- b) If an amendment is moved, the debate then occurs on the merits of the amendment, during which the mover of the original motion may speak.
- c) The mover of the amendment shall exercise their right to reply to the debate on the amendment immediately before the mover of the motion exercises their right of reply to the debate on the amendment. Immediately after the reply by the mover of the original motion, the amendment shall be put to the vote.
- d) Once the vote on the amendment has been taken, a further amendment may be moved, or the debate on the original motion resumes.
- e) If the amendment is carried the debate can resume on what is then the substantive motion.
- f) A Member exercising a right of reply shall not introduce new matter.
- g) After every reply to which this procedure rule refers a decision shall be taken without further discussion.

#### 14.10 **Motions which may be moved during debate**

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond 3 hours in duration
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

#### 14.11 **Closure motions**

- (a) A Member 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; or
  - (iv) to adjourn a meeting.

- (b) If a motion to proceed to next business is seconded and the chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If it is passed the meeting will proceed to the next item on business without further debate.
- (c) If a motion that the question be now put is seconded and the chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply
- (e) Apart from any other provision of this Council Procedure Rule relating to the termination of debates a ruling by the Chair that a matter has been sufficiently debated shall be final and, subject to the exercise of any right of reply, the matter shall be put to the vote immediately.

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

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

#### **14.13 Personal explanation**

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

### **15. PREVIOUS DECISIONS AND MOTIONS**

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

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one third of the Members on the Council.

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

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one third of the Members on the Council. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## **16. VOTING**

### **16.1 Majority**

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

### **16.2 Chair's casting vote**

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

### **16.3 Show of hands**

Unless a recorded vote is demanded under Rules 16.4 and 16.5, or the Mayor requests a roll-call under 16.6, the Chair will take the vote either by affirmation of the meeting if there is no dissent; by show of hands or by the use of an electronic voting system..

### **16.4 Recorded vote**

If one quarter of the Members (rounded up or down to the nearest whole figure) able to be present at the meeting demand by standing the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

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

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

### **16.6 Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. In the case of a multi-member vacancy the Mayor may ask for a roll-call of those members present. Where the Mayor asks for a roll-call each member shall respond by calling out the names of those candidates they wish to cast their votes for (up to the maximum number of votes allowed). These votes will be tallied by the Democracy Officer and the results announced. Any candidate with a clear majority will be appointed to available positions. In the case that any positions should not have a clear majority of votes for any candidate, the candidate with the least number of votes will be eliminated and the process repeated with the appropriate reduction in the number of eligible candidates and votes per member.

### **16.7 Recorded votes at budget meetings**

Immediately after any vote is taken on a budget decision at the budget decision meeting of the Council, there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting. This will include a recorded vote on any amendment proposed at the meeting.

For the purposes of this Rule:

- (a) “budget decision meeting” means a meeting of the Council at which it -
- (i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992(a); or
  - (ii) 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; and
- (b) 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.”

## **17. MINUTES**

### **17.1 Signing the minutes**

The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the Minutes of the previous meeting be signed as a correct record.

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

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

## **18. MOTIONS AFFECTING COUNCIL EMPLOYEES**

Any question arising at a meeting of the Council, the Executive or of a Committee or Sub-Committee to which the public are admitted, about the appointment, promotion, dismissal, salary, superannuation, conditions of service or the conduct of any Council employee, shall not be discussed until the Council, Executive Committee or Sub-Committee has considered whether to exclude the public under Section 100 A (4) of the Local Government Act 1972.

The Officers present at the meeting shall be entitled to respond to personal criticism of them or any other employee named by Members.

## **19. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

## **20. MEMBERS' CONDUCT**

## **20.A Declaration of Interests**

All members present at a meeting of the Council, the Executive, or any committee, sub-committee, joint committee or joint sub-committee of the authority shall comply with the requirements of the Code of Conduct in relation to the declaration of Disclosable Pecuniary Interests and Other Interests. The provisions relating to non-participation at meetings shall also apply to all members present at those meetings.

As stated in the Code of Conduct you should also leave the room where the meeting is held while any discussion or voting takes place, except when it applies to Strategic Progress Reports at Full Council due to the various subject matters involved in those reports

This Rule will also apply to Executive Members when discharging a function alone. They must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

### **20.1 Standing to speak**

When a Member speaks at full Council they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

### **20.2 Mayor standing**

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

### **20.3 Member not to be heard further**

If a member persistently disregards the ruling of the chair by behaving irregularly, improperly or offensively or deliberately obstructs business, the chair or any other member may move that the member be not heard further during the remainder of the item. If seconded, the motion will be voted on without discussion.

### **20.4 Member to leave the meeting**

If the Member continues that misconduct after a motion under 20.3 is carried, the chair or any other member may move that the member leaves the meeting. If seconded, the motion will be voted on without discussion.

### **20.5 Meeting to be adjourned**

If the Member concerned refuses to leave the meeting after a motion under 20.4 has been carried the chair shall adjourn the meeting for a specified period that he or she considers appropriate.

### **20.6 General disturbance**

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



**21. DISTURBANCE BY PUBLIC**

**21.1 Removal of member of the public**

If a member of the public interrupts proceedings, the chair will warn the person concerned. If they continue to interrupt, the chair will order their removal from the meeting room. The Mayor may adjourn the meeting to allow the member of the public to be removed, either by officers or the police.

**21.2 Clearance of part of meeting room**

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

**22. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

**22.1 Suspension**

All of these Council Rules of Procedure except Rules 1-8, 12, 16-23 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

Any Notice of Motion under Rule 11 regarding Removal of Leader as set out in Part 2 Article 7.03 (d) cannot have relevant Standing Orders suspended e.g. Rule 15.

**22.2 Amendment**

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.

**23. APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Council Rules of Procedure apply to meetings of full Council. Only Rule 9 applies to meetings of the executive. Only Rules 4-9, 10.5, 14.1, 14.2, 14.4, 14.6, 14.7, 14.8, 14.10, 14.11, 14.12 and 14.13, 16-21 (but not Rule 20.1 and 20.2), 25 and 26 apply to meetings of committees and sub-committees.

**24. ATTENDING DEVELOPMENT CONTROL TRAINING PRIOR TO DETERMINING DEVELOPMENT CONTROL APPLICATION**

All Members on Full Council determining a development control application and all Members appointed to the Development Control Committee, including as substitutes, must attend annual training on planning law and procedure. This training must take place within 1 month of the Annual Appointments Council or being appointed to the Development Control Committee before they can determine any development control application, and failure to do so may be a breach of the Code of Conduct.

However a Councillor could not be prevented from taking part in a development control decision at Full Council if they hadn't attended training, but could be prevented at Development Control Committee.

## **25. SUBSTITUTE SCHEME FOR MEMBERS WITH A DISABILITY**

- 25.1 This is a limited scheme to allow the use of substitutes at committee meetings so that elected members who are not able to attend a particular meeting due to their disability are represented at that meeting.
- 25.2 The definition of the term 'disability' is taken from the Equality Act 2010:  
"P has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day to day activities".
- 25.3 Members will be required to declare their disability in writing to the Head of Legal and Democratic Services, and request approval of their participation in the scheme. Each request will be dealt with on its own merits, and the Head of Legal & Democratic Services will have the final decision.
- 25.4 The Head of Legal and Democratic Services (or the Democracy Team on their behalf) will maintain a register of those members participating in the scheme.
- 25.5 Substitute members will be permitted on the following Committees:
- Audit & Standards
  - Development Control
  - Licensing and related sub-committees
  - Scrutiny
- 25.6 A member taking part in the scheme will be entitled to nominate one named substitute to each committee of which they are a member. Appointments Council will formally appoint substitutes, with any in-year changes requiring approval from Full Council.
- 25.7 The substitute must ensure they have taken part in all relevant training for that committee prior to taking part in a meeting on behalf of the substantive member. This includes in-year committee appropriate sessions.
- 25.8 It is the responsibility of the substantive committee member to notify the Democracy Team, Committee Chair and the substitute member that they are unable to attend a meeting no later than 3.30pm on the day of the meeting. The absence must also be due to the registered disability. Any other sickness, work or holiday absence is not eligible.
- 25.9 Substitute members will not be entitled to attend a meeting without advance notice to the Democracy Team.
- 25.10 Substitute Members will be added to the agenda distribution list for the relevant committees in order that they have sufficient time to familiarise themselves with the information.
- 25.11 The substantive committee member should be mindful that at all meetings but particularly in relation to Regulatory Committees (Development Control & Licensing) although the substitute is present to represent them, the substitute having reviewed the information

provided may take a different view to the substantive member. Decisions should not be made either on a party political basis or as a result of the use of political 'whipping'.

## 26. GENERAL SUBSTITUTE SCHEME FOR MEMBERS (from 24.01.24)

- 26.1 This scheme is intended to allow the use of substitutes at committee meetings so that elected members who are not able to attend a particular meeting are represented at that meeting. This scheme is intended to apply when elected members are unable to attend a meeting for any reason other than as a result of a disability, which is provided for in the Substitute Scheme for Members with a Disability.
- 26.2 Substitute members will be permitted on the following Committees:
- Audit & Standards
  - Development Control
  - Licensing and related sub-committees
  - Scrutiny
- 26.3 Each group will be invited to nominate two substitute members to each committee at the start of each municipal year. Appointments Council will formally appoint substitutes, with any in-year changes requiring approval from Full Council.
- 26.4 The substitute must ensure they have taken part in all relevant training for that committee prior to taking part in a meeting on behalf of the substantive member. This includes in-year committee appropriate sessions.
- 26.5 It is the responsibility of the substantive committee member to notify the Democracy Team, Committee Chair and the substitute member that they are unable to attend a meeting by no later than 3.30pm on the day of the meeting.
- 26.6 Substantive committee members will be expected to inform the Democracy Team of the reason why they will be represented by their substitute. The reason will not be published.
- 26.7 Substitute members will not be entitled to attend a meeting (other than as a member of the public) without advance notice to the Democracy Team.
- 26.8 Substitute committee members will be added to the agenda distribution list for the relevant committees in order that they have sufficient time to familiarise themselves with the information.
- 26.9 The substantive committee member should be mindful that at all meetings, but particularly in relation to Regulatory Committees (Development Control & Licensing), although the substitute is present to represent them, the substitute having reviewed the information provided may take a different view to the substantive member. Decisions should not be made either on a party political basis or as a result of the use of political 'whipping'.
- 26.10 If the substantive committee member attends a meeting after arranging for a substitute committee member to attend, the substitute committee member will continue as the voting member of the committee. However, if a substitute committee member has not arrived by the commencement of

the meeting and the substantive committee member is present, the substantive committee member will continue as the voting member of the committee. Both parties must not vote at the same meeting.

- 26.11 If the Chairman of a Committee is absent and a substitute committee member attends in his/her place, the substitute committee member will only act as an ordinary member and will not assume any rights of the substantive committee member to act as Chairman. In such cases the Vice-Chairman will be expected to chair the meeting. If both the Chairman and Vice-Chairman are absent, but are represented by their respective substitute committee members, the meeting will appoint a Chairman for the meeting from any members (including substitute committee members) present and with voting rights.
- 26.12 Where a substitute committee member has attended a meeting which is adjourned, the substantive committee member may attend the reconvened meeting as the voting member, provided that the meeting is not part way through the consideration of an item or issue at the time that it is adjourned.