

**CONSTITUTION 2021 – Version 2.3 (January 2024)**  
**PART 5 – RULES OF PROCEDURE (MEETINGS)**  
**SECTION 1 – COUNCIL PROCEDURE RULES**

**PART 5 – MEETING PROCEDURE RULES**  
**(SECTION 1 – COUNCIL PROCEDURE RULES)**

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**1. SCOPE**

These rules apply to meetings of the council.

**2. ANNUAL MEETING OF THE COUNCIL**

**2.1 Timing and business**

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will be held in April or May.

The annual meeting will:

- (i) appoint a person to preside if the Chair of the Council is not present;
- (ii) appoint the Chair of the Council in accordance with part 3 of this constitution;
- (iii) appoint the Vice-Chair of the Council in accordance with part 3 of this constitution;
- (iv) approve the minutes of the last meeting;
- (v) receive any declarations of interest from members in accordance with the Members' Code of Conduct;
- (vi) receive any announcements from the Chair;
- (vii) consider any business not otherwise specified in the council summons which, in the opinion of the Chair of the Council, in consultation with the Chief Executive, is business of such urgency as to require immediate attention by the council;
- (viii) appoint the Leader and Deputy Leader of the council in accordance with article 6;
- (ix) appoint members to the service committees, regulatory committees, other sub-committees, working parties and panels;
- (x) appoint the Chair and Vice-Chair of all service committees, regulatory committees, sub-committees, working parties and panels;
- (xi) approve the list of members to be appointed to outside bodies, as submitted by the Leader of the Council;
- (xii) appoint the substantive and councillor directors of the council owned property company; and
- (xiii) consider any other business set out in the notice convening the meeting in the order which it appears in the council summons, however that order may be varied at the discretion of the chair or by resolution of the council.

**3. ORDINARY MEETINGS OF THE COUNCIL**

**3.1 Timing and business**

Ordinary meetings of the council will take place in accordance with the annual calendar of meetings. Ordinary meetings will:

- (i) appoint a person to preside if the Chair or Vice-Chair are not present;

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- (ii) receive any declarations of interest from members in accordance with the Members' Code of Conduct;
- (iii) receive questions from members of the public;
- (iv) receive questions from members with prejudicial interests in accordance with council procedure rule 13;
- (v) consider and debate petitions received in accordance with the petitions scheme at part 8 of this constitution;
- (vi) approve the minutes of the last meeting;
- (vii) receive any announcements from the Chair;
- (viii) consider any business not otherwise specified in the council summons which, in the opinion of the Chair of the council, in consultation with the Chief Executive, is business of such urgency as to require immediate attention by the council;
- (ix) receive reports from service committees, regulatory committees, working parties of the full council and panels; and consider any recommendations contained therein;
- (x) consider motions;
- (xi) consider general questions from members in accordance with council procedure rule 14;
- (xii) receive and consider reports from officers of the council; and
- (xiii) consider any other business set out in the notice convening the meeting in the order in which it appears in the council summons, however that order may be varied at the discretion of the chair or by resolution of the council.

#### **4. SPECIAL MEETINGS OF THE COUNCIL**

##### **4.1 Calling special meetings**

Special meetings of the council may be called by the Chief Executive, in consultation with the Chair of the council and political group leaders.

##### **4.2 Business at special meetings**

Special meetings will:

- (i) appoint a person to preside if the Chair or Vice-Chair are not present;
- (ii) receive any declarations of interest from members in accordance with the Members' Code of Conduct;
- (iii) receive questions from members of the public;
- (iv) receive questions from members with prejudicial interests in accordance with rule 13;
- (v) approve the minutes of the last meeting;
- (vi) receive any announcements from the Chair;
- (vii) consider any business not otherwise specified in the council summons which, in the opinion of the Chair of the council, in consultation with the

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Chief Executive, is business of such urgency as to require immediate attention by the council;

- (viii) consider motions; and
- (ix) consider any other business set out in the notice convening the meeting in the order which it appears in the council summons, however that order may be varied at the discretion of the Chair or by resolution of the council.

**4.3 Procedure for debates at special meetings**

Where the meeting has been called to debate a specific topic or issue, the following procedure will apply:

- (i) Introduction by the Chair
- (ii) Presentation by invited speaker(s) and/or officers
- (iii) Questions to be responded to by invited speaker(s) and/or officers from:
  - a. members and
  - b. any other persons permitted by the Chair
- (iv) Statements may then be made by:
  - a. members and
  - b. any other persons permitted by the Chair
- (v) Debate upon any motions received in accordance with council procedure rule 17 or based on a recommendation from an officer
- (vi) Chair to conclude the debate

The procedure may be varied by a resolution of the council.

**4.4 Special meetings to confer the title of Honorary Alderman**

A Special Meeting of the council may be called by the Chief Executive, in consultation with the Chair of the council and political group leaders, to consider conferring the title of honorary alderman on a former councillor who meets the council's agreed protocol.

At such meetings, the business to be followed will be:

- (i) appoint a person to preside if the Chair or Vice-Chair are not present;
- (ii) receive any declarations of interest from members in accordance with the Members' Code of Conduct; and
- (iii) consider conferment of the title of honorary alderman.

As required by Section 249 of the Local Government Act 1972, no other business shall be conducted at such a meeting.

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**5. EXTRAORDINARY MEETINGS**

**5.1 Calling extraordinary meetings**

Those listed below may request the Chief Executive to call an extraordinary council meeting:

- (i) The full council by resolution;
- (ii) the Chair of the council;
- (iii) the Monitoring Officer; and
- (iv) any five members of the council if they have signed a requisition presented to the Chair of the council and they have refused to call a meeting or have failed to call a meeting within seven days of the presentation of the requisition.

**5.2 Business at extraordinary meetings**

The summons to an extraordinary meeting of the council shall set out the business to be considered and no business other than that set out in the summons shall be considered at that meeting.

**6. TIME AND PLACE OF MEETINGS**

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

**7. NOTICE OF AND SUMMONS TO MEETING**

The 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 part 6 of this constitution. At least five clear days before a meeting, the 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. CANCELLATION, POSTPONEMENT OR ADJOURNMENT OF MEETINGS**

The decision to cancel, postpone or adjourn any meeting of the council shall be made by the Chair, in consultation with the Chief Executive or their representative.

**9. CHAIR OF MEETING**

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

**10. QUORUM**

The quorum of a meeting will be one quarter of the whole number of members. During any meeting, if the Chair counts the number of members present and

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declares that there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting of the council.

**11. DURATION OF MEETING**

- 11.1 Except for a Council Tax/Budget setting meeting, each unfinished meeting will adjourn at 9pm unless a majority of councillors present vote to extend the meeting by 30 minutes at which time the meeting will stand adjourned.
- 11.2 The time and date of the continuation of the adjourned meeting will be decided by a majority of those councillors present or if no decision is reached by the Chief Executive in consultation with the Chair and Group Leaders, and where it is urgent and cannot wait until the next scheduled meeting it should normally take place within 10 working days of the meeting.

**12. QUESTIONS BY MEMBERS OF THE PUBLIC**

**12.1 Submitting questions**

Members of the public may ask questions of the Chair of committees, or the Vice-Chair in their absence, at meetings of the council, subject to written notice of the question being submitted to the Monitoring Officer 5 working days prior to the meeting.

- a) All questions:
- must confirm to whom the question is addressed;
  - must be relevant to matters for which the council has powers or duties;
  - should be limited to obtaining information or pressing for action; and
  - must not exceed one minute in duration.
- b) Questions may be rejected by the Chief Executive in consultation with the Chair if they:
- are not relevant to matters for which the Council has responsibility, or which affect the District; or
  - may be defamatory, frivolous or offensive; or
  - are substantially the same as a question put at a meeting in the past six months; ~~or~~  
~~would divulge, or require to be divulged, confidential or exempt information;~~
  - relate to planning applications being considered by the Planning Committee or the Council;
  - relate to situations in which the committee acts like a court of law e.g. in considering licensing matters as those matters are

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addressed through individual legal processes and through the courts:

- relate to matters personal to the questioner, his or her spouse, partner or relative; or
- relate to matters within the various categories of exempt information shown in Schedule 12A to the Local Government Act 1972 (details of which are set out below):

(a) Information relating to any individual

(b) Information which is likely to reveal the identity of an individual

(c) Information relating to the financial or business affairs of any particular person (including the authority holding that information)

(d) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority

(e) Information in respect of which a claim of legal professional privilege could be maintained in legal proceedings

(f) Information which reveals that the authority proposes:

- to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- to make an order or direction under any enactment.

(g) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

No more than two valid questions will be accepted from one member of the public (or their household) in relation to one single meeting

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## **12.2 Time limit for questions**

The time limit for questions by the public will be 15 minutes, although the Chair has discretion to extend this period.

## **12.3 Asking questions at the meeting**

The Chair will invite questioners to put their questions in the order in which they are received. The questioner may ask only one question at a time. Where they have submitted multiple questions, they will only be able to ask subsequent questions if there is sufficient time remaining.

If, in the opinion of the Monitoring Officer, the question relates to the terms of reference of a council committee the question to be accepted at full council



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and be automatically referred by full council without discussion or debate to the relevant committee.

The Chair will have discretion to:

- a) group together similar questions to be put to the relevant committee Chair; and
- b) respond to the questioner where the same or similar question has been asked before and explain a written answer will be sent to them.

Where the questioner is unable to be present, the Chair has discretion to:

- ask the Monitoring Officer to ask the question on their behalf;
- explain that a written reply will be given to the questioner; or
- decide that the question will not be dealt with.

Any question which cannot be dealt with during the period allowed for public question time will be responded to by written answer.

#### **12.4 Supplementary questions**

~~If time permits~~ At the Chair's absolute discretion, a questioner who has put a question in person may ask one supplementary question without notice to the member who replied to their original question. The supplementary question must arise directly out of the original question or the reply and shall be limited to one minute's duration. It must take the form of a question and not a statement in response to the original answer.

#### **12.5 Responses**

Members will seek to respond to questions as fully as possible but shall not be required to divulge confidential or exempt information. Where a reply cannot be given at the meeting, a written answer will be provided within 10 working days of the meeting and published to the council's website.

#### **12.6 Records of questions**

A schedule of questions and answers will be maintained and published to the council's website within 10 working days of the meeting. The minutes of the meeting will record a summary of the questions and answers.

#### **13. QUESTIONS BY MEMBERS WITH PREJUDICIAL INTERESTS**

In line with the Members' Code of Conduct at Part 8 of this Constitution, a member with a prejudicial interest may ask a question of the Chair of a committee at meetings of the council as long as this is submitted and asked

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under the same rules that apply to the public, as set out in Council Procedure Rule 12.

**14. QUESTIONS/STATEMENTS BY MEMBERS**

**14.1 Oral questions on reports of committees, sub-committees, working parties and panels**

A member of the council may ask the Chair of a committee, sub-committee, working party or panel any question, without notice, under an item of report of a committee, sub-committee, working party or panel when that item is being received or under consideration by the council.

Each question shall be put and answered without discussion. The member will have the right to ask a supplementary question which must arise directly out of the original question or the reply. A written answer will be provided if requested by the member.

**14.2 Statements by members on reports to committees, sub-committees, working parties and panels**

A member of the council may make a statement, without notice, under an item of report of a committee, sub-Committee, Working Party or Panel when that item is being received or under consideration by the Council. The Chair of the relevant committee, sub-committee, working party or panel will have the right of reply. No statement or reply shall exceed 5 minutes in duration, except at the discretion of the Chair.

In the case of statement made by the Chair of a committee, sub-committee, working party or panel, at the discretion of the Chair, a debate may ensue.

**14.3 General questions**

Thirty minutes will be allocated at each ordinary meeting of the council for general questions by members. The Chair has discretion to extend the time allowed to sixty minutes if there is a need.

A member of the council may ask the Chair of any committee, sub-committee, working party or panel a question, in writing, on any matter in relation to which the council has powers or duties or which affects the district.

A member may only ask a question under this Council Procedure Rule if, either:

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- (a) they have given notice in writing of the question to the Monitoring Officer by 12 noon two days before the date of the meeting; or
- (b) where a question relates to a matter of urgency, a member must seek the agreement of the Chair of the council that they are prepared to accept the question. If agreement is forthcoming, the content of the question must be given in writing to the Monitoring Officer not later than 11am on the day of the meeting.

Questions will be considered in the order they have been received. A member may ask one question at a time. Where they have submitted multiple questions, they will only be able to ask subsequent questions if there is sufficient time remaining.

Each question will be put and answered without discussion. The question and the written reply by the member concerned shall be made available to members of the council and to the public at the meeting.

The member will have the right to ask a supplementary question against each question put which must arise directly out of the original question or the reply. This may be responded to by the relevant member.

Where a reply cannot be given at the meeting to a question put, a written answer will be provided within 10 working days to the member and any other members who request it.

## **15. NOTICES OF MOTION**

### **15.1 Notice**

Except for motions which can be moved without notice under Rule 16, written notice of every motion, signed by the member(s) moving and seconding it, must be delivered to the Chief Executive at least eight clear days prior to the meeting. Clear days means days on which the council offices are open for business and excludes both the day on which the motion is received and the day of the meeting at which the motion is to be presented.

Once received by the Chief Executive, notices of motion will be dated, numbered in the order in which they were received and published to the council's website in the agenda for the meeting or in an addendum to the agenda.

### **15.2 Motions set out in agenda**

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The Chief Executive shall set out in the summons for every meeting of the council all motions of which notice has been duly given in the order in which they have been received, unless the member giving such notice intimated in writing when giving it, that they proposed to move it at some later meeting, or subsequently had withdrawn it in writing.

If notice is given of a motion which, in the opinion of the Chief Executive is out of order, illegal, irregular or inappropriate, they shall submit it to the Chair, and shall not insert it in the summons without their agreement. In the event of the motion being considered unacceptable, the Chief Executive shall so inform the member(s) giving the notice and their ruling on this matter will be final.

If notice is given of a motion for a particular meeting and in the opinion of the Chief Executive the agenda for that meeting is already full, or the agenda for the meeting is subject specific and the motion received is not in his view urgent or related to that specific business, the Chief Executive shall submit it to the Chair and shall not insert it in the summons without the Chair's agreement. The Chair's ruling on this matter will be final.

In the event of the Chair deciding that the motion shall not be inserted in the summons for which it was submitted, the Chief Executive shall so inform the member(s) who submitted the motion on notice of the date of the meeting to which their motion will be presented. For the avoidance of doubt any decision under this paragraph and the previous paragraph shall be made by the Chair and their ruling will be final.

**15.3 Scope**

Every motion shall be relevant to some matter of major significance in relation to which the council has powers or duties or which affects the district.

**15.4 Failure to move**

If a motion set out in the summons is not moved either by the member who gave notice or by some other member on their behalf it shall, unless postponed by consent of the council, be treated as withdrawn and shall not be moved without fresh notice.

**15.5 How motions will be dealt with**

Upon a motion being moved and seconded:

- (a) **Motions to be considered by council**

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If the subject of the motion is a matter that is in the province of the council, is an urgent matter, or it relates to a district wide issue or multi-ward matter, it shall be dealt with by council at that full council meeting.

b) **Motions to be referred to a committee**

If the subject of the motion comes within the province of a service or regulatory committee, it shall stand deferred without discussion to:

- the relevant committee; or
- to such other committee, sub-committee or working party as the council may determine for consideration and report. In the case of doubt, the Policy and Finance Committee shall consider the motion.

**16. 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 receive reports or adopt recommendations of committees, working parties, panels, or officers and any subsequent motions and amendments arising;
- g) to withdraw a motion;
- h) to amend a motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;
- l) to adjourn a meeting;
- m) to suspend a particular Council Procedure Rule;
- n) to amend the procedure for debate at special council meetings as set out in Council Procedure Rule 4;
- o) to exclude the public and press in accordance with the Access to Information Rules set out in part 6 of this Constitution;
- p) to not hear further a member named under Council Procedure Rule 25; and
- q) to give the consent of the council where its consent is required by this constitution.

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**17. RULES OF DEBATE**

**17.1 Standing to speak**

When a member, officer or guest speaks at full council, where they are able they must stand and address the meeting through the Chair, unless alternative arrangements have been agreed with the Chair. If more than one person stands, the Chair will ask one person to speak and the other must sit. Other members must remain seated whilst another person is speaking unless they wish to make a point of order or a point of personal explanation.

**17.2 Chair calling order**

When the Chair raises their hand during a debate any members, officers or guests speaking at the time must stop and sit down. This meeting must be silent.

**17.3 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 them before it is discussed.

**17.4 Secunder's speech**

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

**17.5 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 3 minutes in length without the consent of the Chair.

This rule shall not apply when:

- (i) the relevant committee Chair is presenting the annual budget statement and statutory and non-statutory plans to the council; or
- (ii) the mover of a motion or amendment is making their speech which shall not exceed 10 minutes.

**17.6 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;

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- b) to move a further amendment if the motion has been amended since they last spoke;
- c) if their first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- d) on a point of order; and
- e) by way of personal explanation.

**17.7 Amendments to motions**

- a) An amendment to a motion must be relevant to a motion and will either be:-
  - i. to refer a subject of debate to the relevant committee for consideration or reconsideration where Council Procedure Rule 19 (Previous Decisions and Motions) does not apply;
  - 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 such omission, insertion or addition of words does not have the effect of negating the motion or recommendation before the council.
- 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) Any amendment, made without notice, which involves a variation in approved expenditure for which no financial report is available shall, at the discretion of the Chair, in consultation with the Chief Executive, stand referred to the Policy and Finance Committee for consideration.

**17.8 Alteration of motion**

- a) A member may alter a motion of which they have 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 they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

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

**17.9 Withdrawal of motion**

A member may withdraw a motion which they have 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.

**17.10 Right of reply**

- a) The relevant committee Chair has a right of reply at the end of the debate in respect of a matter referred to the council by a committee.
- b) The relevant sub-committee, working party or panel Chair has a right of reply at the end of the debate in respect of a matter referred to the council by a sub-committee, working party or panel.
- c) 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.
- d) 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.
- e) The mover of the amendment has no right of reply to the debate on their amendment.

**17.11 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) to exclude the public and press in accordance with the Access to Information Rules set out in part 6 of this Constitution; and
- h) to not hear further a member named or to exclude them from the meeting under Council Procedure Rule 25.

**17.12 Closure motions**

- a) Any member who has not already spoken on the motion may move, without comment, the following motions at the end of a speech of another member:
  - i. to proceed to the next business;



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- ii. that the question be now put;
- iii. to adjourn a debate; or
- iv. to adjourn a meeting.

the member moving the motion will make themselves known by way of a “Point of Order” at the end of a speech of another member but will then explain that they wish to move a closure motion.

- b) If a motion “to proceed to next business” is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If the motion is carried the question which was under consideration shall be dropped and deemed not approved.
- c) If a motion that “the question be now put” is seconded and the Chair thinks the item has been sufficiently discussed, they will put the procedural motion to the vote (without discussion). If it is passed, the Chair will give:
  - i. the seconder the right to speak (if they reserved their right earlier);
  - ii. the relevant committee Chair the right of reply; and
  - iii. the mover of the original motion the right of reply before putting their motion to the vote.
- d) If a motion “to adjourn the debate” is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply. If a motion to adjourn the debate is carried, the discussion shall be resumed as adjourned business at the next ordinary meeting or such other day and hour as shall have been specified in the motion, and the meeting shall proceed to the next business on the agenda
- e) If a motion “to adjourn the meeting” is seconded and the Chair thinks that the remaining business before the meeting cannot be sufficiently discussed on that occasion, they shall put the adjournment motion to the vote without giving the mover to any motion under discussion their right of reply. If the motion for the adjournment is carried, the remaining business shall stand adjourned to a time fixed by the Chair at the time the meeting is adjourned, or otherwise, to the next ordinary meeting of the Council.
- f) Where a closure motion (b) (c) and (d) is not agreed by the Chair or not agreed by the meeting then the mover of the closure motion may not speak further on the subject under discussion

**17.13 Point of order**

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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 they consider it has been broken. The Chair will allow a reasonable time for the member to identify the relevant rule or point of law. The ruling of the Chair on the matter will be final.

**17.14 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 a 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.

**18. REFERRAL AND RECOVERY**

**18.1 Referral**

- (i) Referral should only be used where members of the council, after due deliberation, consider that it is in the interests of the community of the district that a pending decision should be made at a meeting of the full council rather than by a committee or sub-committee.
- (ii) If, during the referral period, referral of a pending decision is requested by any twenty-eight (28) members of the council then, notwithstanding anything in part 3 (Responsibility for Functions) of this constitution, no committee or sub-committee may exercise any delegated authority to make that decision but may instead make a recommendation to a meeting of the full council.
- (iii) In this rule “pending decision” means any decision that would otherwise be taken by a committee or sub-committee of the council except:
  - a. a decision to make a recommendation to a meeting of the full council or to any committee or sub-committee of the council (including a joint committee);
  - b. a decision relating to the determining of any approval, consent, licence, permission or registration; and
  - c. a decision in respect of which the Chief Executive, following consultation with the Leader of the council, has, before the decision is referred, certified that any delay likely to be caused by the referral process would seriously prejudice the council’s or the public interest.
- (iv) In this rule “referral period” means in relation to a pending decision, the period commencing with the publication on the council’s website of the committee or sub-committee agenda at which it would be considered and ending at 4pm on the day before the meeting.

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**18.2 Recovery**

- (i) Recovery should only be used where members of the council, after due deliberation, consider that a recoverable decision is not in the interests of the community of the district and ought to be reconsidered.
- (ii) During the recovery period, the Chief Executive shall recover a decision for consideration at a meeting of the council if so requested by any twenty eight (28) members of the council. They shall arrange for the decision to be placed on the agenda of the next available meeting of the council.
- (iii) Notwithstanding anything in part 3 (Responsibility for Functions) of this constitution or elsewhere in this constitution:
  - a. a recoverable decision may not be implemented during the recovery period; and
  - b. a decision that has been recovered under this Council Procedure Rule will be treated for all purposes as though the decision has been a recommendation to a meeting of the full council to take that decision.
- (iv) In this rule, the “next available” meeting means the first meeting falling more than ten working days after the Chief Executive receives the request for recovery, unless it is practicable to include the decision as an agenda item at an earlier meeting, in which case it means the earlier meeting.
- (v) In this rule “recoverable decision” means any decision taken by a committee or sub-committee of the council except:
  - a. a decision to make a recommendation to a meeting of the full council or to any committee or sub-committee of the council (including a joint committee);
  - b. a decision relating to the determining of any approval, consent, licence, permission or registration;
  - c. a decision relating to conduct or procedure at the meeting at which it was taken: and
  - d. a decision in respect of which the Chief Executive, following consultation with the Leader of the council, has, before the decision is recovered, certified that any delay likely to be caused by the recovery process would seriously prejudice the council’s or the public interest.
- (v) In this rule “recovery period” means, in relation to a decision, the period of six working days commencing with the day when the draft minutes of the meeting are posted on the council’s website. This means that if the minutes were posted on a Monday, the request for recovery would need

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to be made no later than 4.30pm the Tuesday of the following week,  
unless there was a bank holiday in between.

**19. PREVIOUS DECISIONS AND MOTIONS**

**19.1 Motion to rescind a previous decision**

*Removed as per decision at Full Council 15.09.21 – Minute 263 refers.*

**19.2 Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of the council in the previous 6 months cannot be moved within a further period of 6 months.

**20. VOTING**

**20.1 Voting on motions/recommendations in part**

Whilst it shall be normal practice to vote on a motion or recommendation in its entirety, the Chair may use their discretion to allow a vote to be taken on each constituent part separately if a request is received from a member.

**20.2 Majority**

All matters will be decided by a simple majority of those members voting and present in the room at the time the question was put.

**20.3 Chair's casting vote**

If there are equal numbers of votes for and against, the Chair shall have a second or casting vote.

**20.4 Show of hands**

Unless a recorded vote is demanded by legislation or a member requests a recorded vote, the Chair will take the vote by a show of hands.

**20.5 Recorded vote**

A member may ask for the vote on a particular matter to be recorded before the vote is taken. The names for and against the motion or amendment or those who abstained from voting will be taken down and entered into the minutes.

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Such a request will be allowed unless the Chair considers the request frivolous or vexatious.

**20.6 Recorded vote at council budget setting meetings**

At the Budget meeting(s) each year, voting on any motion or amendment relating to the Budget or setting of the Council Tax will be recorded to show whether each member present voted for or against the motion or amendment or abstained from voting, and entered into the minutes.

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

Where any member 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.

**20.8 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.

**20.9 Voting on appointing the Chair and Vice-Chair of the Council**

The vote to appoint the Chair and Vice-Chair of the council shall be by ballot.

**21. MINUTES**

**21.1 Signing the minutes**

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

**21.2 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

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treated as a suitable meeting for the purpose of paragraphs 41 (1) and (2) of Schedule 12 relating to the signing of minutes.

**21.3 Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the Chair put them.

**21.4 Minutes included in the council agenda**

Once the council agenda has been circulated, any minutes produced after this date will be presented to the next meeting of the council, with the exception of matters which have been considered by service and regulatory committees, sub-committees, or working parties and panels that are considered urgent and cannot wait until the next meeting of the council.

**22. RECORD OF ATTENDANCE**

All members present during any official council meeting shall sign their name in the Attendance Book before the conclusion of the meeting. The Committee Manager will also record attendance in the minutes of the meeting.

**23. EXCLUSION OF THE PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in part 6 of this constitution or Council Procedure Rule 26.

**24 PHOTOGRAPHY, BROADCASTING AND RECORDING OF MEETINGS**

The council supports the principles of openness and transparency in its decision making and allows recording, filming and broadcasting at its meetings that are open to the public. These arrangements will operate in accordance with the Council's Protocol on Filming and Recording of Council Meetings set out in part 8 of this constitution.

**25 MEMBERS CONDUCT**

**25.1 General disturbance**

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary. The Chair's decision is final.

**25.2** A member shall comply with the adopted Members' Code of Conduct set out in part 8 of this Constitution. Further to the Code of Conduct, a member must withdraw from a meeting room during the consideration of any item of business in which they have a disclosable pecuniary interest.

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**25.3 Member not to be heard further**

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

**25.4 Member to leave the meeting**

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

**26. DISTURBANCE BY THE PUBLIC**

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary. The Chair's decision is final.

**26.1 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 may adjourn the meeting for as long as they think necessary and will order their removal from the meeting room. The Chair's decision is final.

**26.2 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. The Chair may adjourn the meeting for as long as they think necessary while the room is cleared. The Chair's decision is final.

**27 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

**27.1 Suspension**

All of these Council Procedure Rules except Rules 20.3 (Chair's Casting Vote) 20.6 (Recorded Vote at Council Budget Setting Meetings) and 21 (Minutes) 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.

**27.2 Amendment**

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

**28. MEMBERSHIP OF COMMITTEES AND SUB-COMMITTEES**

**28.1 Allocation of seats**

In accordance with the provisions of the Local Government and Housing Act 1989 or any regulations made thereunder, the Chief Executive shall calculate the number of seats to be allocated to each political group on committees and sub-committees. A schedule confirming this allocation of seats will be reported to each Annual Council Meeting and retained by the Monitoring Officer.

The leader of each political group shall at least 14 days before the Annual Council Meeting (or as soon as practicable in an election year) supply a list of their group's membership of each committee and sub-committee. Appointments will then be confirmed by the Annual Council Meeting.

**28.2 Changes to memberships**

If at any time following an election there is a change to the number of members in each political group, the Chief Executive shall review the allocation of seats and inform the leader of each political group of any changes required.

Permanent changes in the membership of committees and sub-committees must be notified by the relevant group leader or their deputy, in writing, to the Monitoring Officer at least 24 hours before the relevant meeting. Such changes will take immediate effect and then be reported to the next full council meeting for information.

**28.3 Changes to membership from a vacancy on the council**

Where a vacancy occurs on the council during the four-year term of office, that seat shall not be filled by a substitute member until an election has been held for the vacancy and any changes to the allocation of seats have been agreed.

Once the allocation of seats has been reviewed by the Chief Executive, any changes to memberships notified by the relevant group leader will take immediate effect and will then be reported to the next full council meeting for information.

**29. SUBSTITUTION**

Where a member of a committee, sub-committee, working party or panel is unable to attend a meeting, then the relevant group leader, or their deputy, may



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nominate a substitute member provided that notice, in writing, is made to the Monitoring Officer and relevant Committee Manager by 10am on the day of the meeting. The substitute member will cover that meeting only.

Where a committee operates designated substitute arrangements, then the deadline for written notification by the relevant group leader or their deputy is prior to the start of the meeting.

Any substitution by a group leader on the Development Control Committee will replace a relevant group member.

These substitution rules will not apply to the Licensing Committee or Licensing Sub-Committee.

**30. REPRESENTATION ON OUTSIDE BODIES**

**30.1 Nominations to outside bodies**

The council acts as a representative on a number of outside bodies and each year the Chief Executive will provide a list of vacancies to the leaders of all political groups so they can seek the views of their members on which body they would wish to be nominated. All nominations received will be reported to the Leader of the council.

The Leader of the council shall, after consulting with the leaders of all other political groups, be responsible for nominating members to fill any vacancies on outside bodies. A list of the members nominated shall be submitted to the relevant committee for approval.

**30.2 Casual vacancies on outside bodies**

Any vacancies that occur during the municipal year will be reported to the Leader of the council to make a nomination to the next meeting of the committees, following consultation with the leaders of all other political groups.

**31. SUBSTITUTION OF THE CHIEF EXECUTIVE**

If the Chief Executive is unavailable or unable to act for the purpose of any of these Council Procedure Rules, then the Director of Environment and Communities or Director of Growth may substitute for them.