

Section 1: Council Procedure Rules

Meetings

- 4.1.1 All meetings of Council shall usually be held at the councils main offices at 6.30 pm unless the Council decides otherwise. The time and place of meetings will be confirmed in the summons to the meeting issued by the Head of Paid Service in accordance with the Access to Information Rules (see Part 4, Section XX of this Constitution).
- 4.1.2 If a hearing is accessible remotely the summons may include reference to the meeting location being more than one place – that is the physical location and an electronic, digital or virtual location such as internet locations, web addresses or conference call telephone numbers.
- 4.1.3 The Chairman may adjourn a meeting of Council at such time or times as seem to them appropriate for breaks, taking into account the length of the meeting and the likely needs of councillors.

Duration of meetings

- 4.1.4 At a meeting of the Council, unless the majority of councillors present vote for the meeting to continue, the Chairman shall, when three hours have elapsed after the commencement of the meeting, interrupt the meeting and call for the vote immediately on the item under discussion. Any councillor speaking must immediately cease to do so. The vote will be taken without further discussion.
- 4.1.5 Remaining business will be considered at a date and time fixed by the Chairman. If they do not fix a date, the remaining business will be considered at the next ordinary meeting of the Council.

Notice of, summons to and cancellation of meetings

- 4.1.6 The Head of Paid Service shall, at least five clear days before a meeting, issue a summons to every councillor and give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules (see further Part 4, Section XX of the Constitution).
- 4.1.7 The Head of Paid Service may, with the agreement of the Chairman of the Council, cancel an ordinary meeting of the Council where there is insufficient business to justify calling it or there are unusual circumstances which make it impossible or impracticable to hold the meeting. If the

meeting is cancelled for reasons other than an absence of business a new date to hold the meeting will be arranged.

Annual meeting of Council

- 4.1.8 In a year when there is an ordinary election of councillors to the Council, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May¹.
- 4.1.9 The Annual meeting will, in the following order:
- 4.1.9.1 elect a person (who must not be a member of the Cabinet) to preside if the Chairman and Vice Chairman of the Council are not present;
 - 4.1.9.2 elect the Chairman of the Council;
 - 4.1.9.3 elect the Vice-Chairman of the Council;
 - 4.1.9.4 approve the minutes of the last meeting;
 - 4.1.9.5 pass a vote of thanks to the retiring Chairman;
 - 4.1.9.6 receive any declarations of interest from councillors;
 - 4.1.9.7 receive any announcements from the Chairman and / or the Head of Paid Service;
 - 4.1.9.8 receive a report from the Returning Officer on the outcome of the district elections in an election year;
 - 4.1.9.9 receive a report from the Monitoring Officer outlining a review of the Constitution over the previous 12 months;
 - 4.1.9.10 elect the Leader of the executive (the Cabinet)²;
 - 4.1.9.11 be notified by the Leader of the number and identity of councillors to be appointed to the Cabinet, and their intended portfolio of responsibilities;
 - 4.1.9.12 establish such committees³ as are required by statute and such other committees as it considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions⁴ (as set out in Articles 2 and 5 of this Constitution) and determine their size, membership and terms of reference;

¹ Pursuant to Paragraph 1 of Schedule 12 to the Local Government Act 1972

² If the Council fails to elect the Leader at the relevant annual meeting, or a vacancy in the office arises, the Leader is to be elected at a subsequent meeting

³ Such committees may be known as boards, panels or commissions

⁴ i.e. the Local Choice functions

- 4.1.9.13 decide the allocation of seats to political groups in accordance with the political balance rules;
 - 4.1.9.14 appoint to committees and outside bodies except where appointment to those bodies has been delegated by the Council;
 - 4.1.9.15 appoint the Chairman of each committee.
 - 4.1.9.16 agree the scheme of delegations or such part of it as the Constitution determines it is for the Council to agree (as set out in Article 4 (The Council) and Part 3 (Scheme of Delegations) of this Constitution);
 - 4.1.9.17 receive the documents presented by the Leader in accordance with the Executive Procedure Rules;
 - 4.1.9.18 approve a programme of ordinary meetings of the Council for the year; and
 - 4.1.9.19 consider any business set out in the notice convening the meeting.
- 4.1.10 In a year when there is an ordinary election of councillors the annual meeting may be split into two parts in order to separate the civic ceremonial business from other business. The adjournment shall be after item 4.1.9.5 and last no longer than 30 minutes.
- 4.1.11 Items of business set out at 4.1.9.1 to 4.1.9.4 cannot be displaced but, subject to this, the order of business may be varied as follows:
- 4.1.11.1 at the discretion of the Chairman; or
 - 4.1.11.2 by resolution passed on a motion (which need not be in writing) duly moved and seconded, which will be moved and put without discussion.

Ordinary meetings

- 4.1.12 **The Council may, in addition to the annual meeting, hold other meetings⁵. At such an ordinary meeting, it may amend the programme of ordinary meetings agreed at the annual meeting.**
- 4.1.13 The order in which business, apart from items 4.1.15.1 to 4.1.15.5, is dealt with and set out on the agenda for each ordinary meeting shall be determined by the Chairman in consultation with the Head Of Paid Service.
- 4.1.14 During each meeting the order of business set out on the agenda (apart from items 4.1.15.1 to 4.1.15.5) may be changed by resolution passed on

⁵ Paragraph 2 of Sf Schedule 12 to the Local Government Act 1972

a motion (which need not be in writing) duly moved and seconded, which will be moved and put to the vote without discussion.

4.1.15 The business to be conducted at an ordinary meeting of the Council shall be as follows and normally dealt with in the order set out below, subject to statute and paragraphs 4.1.13 and 4.1.14 above:

- 4.1.15.1 elect a person to preside⁶ if the Chairman and Vice-Chairman are not present;
- 4.1.15.2 receive any declarations of interest from Councillors;
- 4.1.15.3 approve the minutes of the last meeting;
- 4.1.15.4 receive apologies for absence;
- 4.1.15.5 receive any announcements from the Chairman;
- 4.1.15.6 receive petitions and deputations from the public in relation to matters which in the opinion of the Chairman are relevant to the Council's functions in accordance with paragraphs 4.1.46 to 4.1.54;
- 4.1.15.7 receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Chairman are relevant to the Council's functions in accordance with paragraphs 4.1.25 to 4.1.38;
- 4.1.15.8 receive a report from the Leader of the Council or the Cabinet, who will answer any questions received from Councillors;
- 4.1.15.9 deal with questions to the Council from Councillors in accordance with paragraph 4.1.39.
- 4.1.15.10 deal with any business remaining from previous meetings;
- 4.1.15.11 receive reports and recommendations from:
 - 4.1.15.11.1 the Cabinet;
 - 4.1.15.11.2 Council committees;
 - 4.1.15.11.3 joint arrangements and external organisations; and
 - 4.1.15.11.4 statutory officers.
- 4.1.15.12 consider motions in the order submitted in accordance with paragraph 4.1.55.
- 4.1.15.13 consider any other business specified in the summons to the meeting.

⁶ This cannot be a member of the Cabinet. Due regard should be given to the past experience of any Councillor who has previously chaired meetings of Council

Extraordinary Meetings

- 4.1.16 Those listed below may request the Head of Paid Service to call a Council meeting in addition to ordinary meetings⁷:
- 4.1.16.1 the Council by resolution;
 - 4.1.16.2 the Chairman of the Council;
 - 4.1.16.3 the Statutory Chief Officers;
 - 4.1.16.4 any five councillors if they have signed a requisition presented to the Chairman of the Council who has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
- 4.1.17 The Head of Paid Service shall fix the date and time of the extraordinary meeting in consultation with the Chairman and Leader of the Council
- 4.1.18 The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting. There shall be no consideration of previous minutes or reports from Committees etc. except that the Chairman, may at their absolute discretion, permit other items of business to be conducted for the efficient discharge of the Council's business.

Chairman of the meeting

- 4.1.19 The person presiding at a meeting of the Council may exercise any power or duty of the Chairman.

Quorum

- 4.1.20 The quorum of a meeting will be one quarter of the whole number of councillors⁸. If a meeting at any stage becomes inquorate, the Chairman will adjourn it immediately. Remaining business will be considered at a time and date fixed by the Chairman. If the Chairman does not fix a date, the remaining business will be considered at the next ordinary meeting.
- 4.1.21 A Councillor may attend a meeting remotely provided that they are able to satisfy all of the following conditions⁹:
- 4.1.21.1 to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other councillors in attendance; and

⁷ Paragraph 3 of Schedule 12 to the Local Government Act 1972

⁸ Paragraph 6 of Schedule 12 to the Local Government Act 1972

⁹ As set out at Section 5 of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

- 4.1.21.2 to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
- 4.1.21.3 to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- 4.1.22 A councillor in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in paragraph 4.1.21 are not met. In such circumstance the Chairman may, as they deem appropriate:
 - 4.1.22.1 adjourn the meeting for a short period to permit the conditions for remote attendance of a councillor contained in paragraph 4.1.21 to be re-established; or
 - 4.1.22.2 continue to transact the remaining business of the meeting in the absence of the councillor in remote attendance.
- 4.1.23 A Councillor may attend and participate in a meeting remotely however they cannot form part of the quorum or be able to vote on any matter as long as legislation requires meetings to be conducted via physical attendance.
- 4.1.24 A councillor in remote attendance for discussion of a confidential or exempt item must verify that their link to the meeting is secure, they are alone and that no recording of the proceedings is being made by any person.

Questions

- 4.1.25 Subject to paragraph 4.1.28 questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.
- 4.1.26 Questions may only be asked on notice if they are submitted in writing to Democratic Services no later than midday on the **seventh working day** before the day of the meeting¹⁰. Each question must give the name and address of the questioner.
- 4.1.27 Any person or organisation may submit more than one question for a meeting, but a second question will be asked only after all first questions received have been answered (and similarly in respect of subsequent questions).
- 4.1.28 The Head of Paid Service may reject a question if it:

¹⁰ For example, midday on the Thursday of the second week before a meeting held on Monday

- 4.1.28.1 is not about a matter for which the Council has a responsibility or which affects the District;
- 4.1.28.2 is defamatory, frivolous or offensive;
- 4.1.28.3 is vexatious, abusive or otherwise inappropriate;
- 4.1.28.4 is substantially the same as a question, petition or issue considered by the Council in the previous six months;
- 4.1.28.5 requires the disclosure of confidential or exempt information;
- 4.1.28.6 is an unintelligible question, lengthy or a speech;
- 4.1.28.7 relates to a matter which is of purely personal concern to an individual, family member or organisation, including requests for compensation;
- 4.1.28.8 relates to court action or threatened court action involving the Council, or any matter where there is a right of appeal to the courts, a tribunal or to a government minister;
- 4.1.28.9 contains a statement which is untrue;
- 4.1.28.10 relates to a matter on which the Council has, or may, determine a policy;
- 4.1.29 If a question is rejected, reasons will be provided to the questioner.
- 4.1.30 Once accepted, the Head of Paid Service will send a copy of the question to the councillor to whom it is to be put.
- 4.1.31 Copies of all accepted questions will be included in the agenda for the meeting.
- 4.1.32 The Chairman will invite the questioner to put the question. The questioner may speak for no more than 5 minutes. If the questioner is unable to be present they may ask the Chairman to put the question on their behalf. The Chairman may:
 - 4.1.32.1 ask the question on the questioner's behalf; or
 - 4.1.32.2 indicate that a written reply will be given; or
 - 4.1.32.3 decide, in the absence of the questioner, that the question will not be dealt with.
- 4.1.33 The Councillor to whom a question is put may:
 - 4.1.33.1 give a direct oral answer at the meeting lasting no more than 5 minutes; or
 - 4.1.33.2 where the desired information is in a publication of the Council or other published work, provide a reference to that publication; or

- 4.1.33.3 supply a written answer, which will be made available for public inspection if asked in open session, circulated within 10 working days to the questioner and all other councillors of the relevant body.
- 4.1.34 A questioner asking a question in person may also ask one supplementary question, arising directly out of the original question or the reply, lasting no more than 3 minutes, to the councillor replying to their question. The answer to the supplementary question may be:
 - 4.1.34.1 given in the meeting and last no more than 1 minute; or
 - 4.1.34.2 provided in writing after the meeting; or
 - 4.1.34.3 no answer offered.
- 4.1.35 The Chairman may reject a supplementary question on any of the grounds set out in paragraph 4.1.28.1 to 4.1.28.10.
- 4.1.36 Any question which is not dealt with at the meeting, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer.
- 4.1.37 Unless the Chairman decides otherwise, no discussion will take place on any question, but any Councillor may move that a matter raised by a question be referred to Cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be put to the vote without discussion.

From the public

- 4.1.38 Members of the public living or working within the Harborough District may ask a question of the Council on any matter which is the responsibility of the Council. The total time for questions by the public must not exceed 30 minutes.

By Councillors without notice

- 4.1.39 At a meeting of the Council, other than the annual meeting, a Councillor may ask the Leader or the Chairman of a committee any question without notice upon an item of the report of the Cabinet or a committee when that item is being received or under consideration by the Council.
- 4.1.40 Such a question may be asked under the appropriate agenda item even where no relevant report is made to the meeting provided the question relates to seeking an explanation or clarification of a decision made since the last meeting of the Council.

By Councillors on Notice

- 4.1.41 Subject to paragraph 4.1.26 a councillor may ask:

- 4.1.41.1 the Chairman;
- 4.1.41.2 a member of the Cabinet; or
- 4.1.41.3 the Chairman of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties or which affects the District, provided that it does not meet any of the grounds set out in paragraph 4.1.28.1 to 4.1.28.10.

- 4.1.42 Subject to paragraph 4.1.28, a member of a committee or sub-committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affects the District and which falls within the terms of reference of that committee or sub-committee, provided that it does not meet any of the grounds set out in paragraph 4.1.28.1 to 4.1.28.10.
- 4.1.43 A Councillor may ask a question under 4.1.41 or 4.1.42 if they have either:
 - 4.1.43.1 given notice in accordance with paragraph 4.1.26, or
 - 4.1.43.2 the question relates to urgent matters and they have:
 - 4.1.43.2.1 the consent of the Chairman or Councillor to whom the question is to be put; and
 - 4.1.43.2.2 the content of the question is given to Democratic Services by no later than noon on the working day prior to the day of the meeting.
- 4.1.44 The time allowed for consideration of questions submitted by Councillors on notice shall not, without the consent of the Council, exceed 15 minutes.
- 4.1.45 At the conclusion of the answer to the question under consideration at the expiry of 15 minutes (or such longer period to which the Council has consented) from the time when the first questioner started to speak, the Chairman shall conclude the agenda item and remaining questions shall be responded to in writing before the next Council meeting.

Petitions from the public¹¹

- 4.1.46 If a member of the public wishes to present a petition to a Council meeting, notice must be given in writing to Democratic Services no later than midday on the seventh working day before the meeting¹².

¹¹ This Council Standing Order does not affect the rights of the public to address a petition to a committee or sub-committee on any matter. It applies only to petitions that the organisers wish to be received at meetings of the full Council.

¹² For example, midday on the Thursday of the second week before a meeting held on Monday

- 4.1.47 Petitions to be debated at a Council meeting must be signed by at least 200 persons residing or working in the District and will be presented to the meeting in order of receipt.
- 4.1.48 The Head of Paid Service may reject a petition if it:
- 4.1.48.1 is not about a matter for which the Council has a responsibility or which affects the District;
 - 4.1.48.2 is defamatory, frivolous or offensive;
 - 4.1.48.3 is vexatious, abusive or otherwise inappropriate
 - 4.1.48.4 is substantially the same as a question, petition or issue considered by the Council in the previous six months;
 - 4.1.48.5 relates to a matter which is of purely personal concern to an individual, family member or organisation, including requests for compensation;
 - 4.1.48.6 relates to court action or threatened court action involving the Council, or any matter where there is a right of appeal to the courts, a tribunal or to a government minister;
 - 4.1.48.7 contains a statement which is untrue;
 - 4.1.48.8 relates to a matter on which the Council has, or may, determine a policy;
- 4.1.49 The petition organiser will be allowed 5 minutes to present the petition at the meeting. Only one person may speak to present a petition.
- 4.1.50 Councillors may not form part of the delegation presenting the petition.
- 4.1.51 The Council will debate the petition for a maximum of 15 minutes and decide how to respond to the petition at the meeting. Such response may include:
- 4.1.51.1 take the action the petition requests;
 - 4.1.51.2 not to take the action requested;
 - 4.1.51.3 commission further investigation into the matter, e.g. by the relevant Scrutiny Panel;
 - 4.1.51.4 where the issue is one on which Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision;
- 4.1.52 The petition organiser will receive written confirmation of the outcome of the debate, which will also be published on the Council's website.
- 4.1.53 At any one meeting no person or organisation may present more than one petition.

- 4.1.54 A maximum of two petitions will be considered at a Council meeting with any petitions not presented as a result of this limit being presented to the next ordinary meeting of Council in the order in which they were received.

Motions

On notice

- 4.1.55 Except for motions which can be moved without notice under paragraph 4.1.60 notice of every motion must be given in writing¹³. The notice must be signed by the Councillors moving and seconding the motion and sent to Democratic Services not later than 4.30pm on the **seventh working day** before the Council meeting at which it is to be considered¹⁴. The notice of motion must either set out the wording of the motion in full or explicitly endorse the wording of the motion as stated in another named Councillor's written notice.
- 4.1.56 Motions must be about matters for which the Council has a responsibility or which affect the District¹⁵. They will be listed on the agenda in the order determined by the Chair.
- 4.1.57 No Councillor may give notice of more than one motion for any Council meeting, except with the consent of the Chair
- 4.1.58 The time allowed for consideration of motions on notice shall not, without the consent of the Council, exceed 30 minutes. At the conclusion of the speech being delivered at the expiry of 30 minutes (or such longer period to which the Council has consented) from the commencement of the Council's consideration of the first such motion, the Chairman shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:
- 4.1.58.1 if the speech to be concluded is a speech proposing a motion, the Chairman shall allow the motion to be formally seconded (without comment);

¹³ this includes email

¹⁴ for example, 4.30pm on the Thursday of the second week before a meeting held on Monday.

¹⁵ Councillors are encouraged to consider whether there is an alternative to submitting a motion which will achieve the same outcome such as :

- a. referring the matter to an Overview and Scrutiny Committee for preliminary consideration; or
- b. requesting the matter be brought to a Cabinet meeting, Committee meeting or informal briefing.

Councillors are requested to provide reasons why alternatives were felt to be inappropriate when submitting a motion on notice.

- 4.1.58.2 if the speech to be concluded is a speech moving an amendment, the Chairman shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise their right of reply; and
 - 4.1.58.3 otherwise, the Chairman shall allow the mover of the motion to exercise their right of reply.
- 4.1.59 Any remaining motions on notice shall be deferred to the next ordinary meeting of the Council and shall be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

Motions without notice

- 4.1.60 The following motions may be moved without notice:
- 4.1.60.1 to appoint a Chairman of the meeting at which the motion is moved;
 - 4.1.60.2 in relation to the accuracy of the minutes;
 - 4.1.60.3 to change the order of business in the agenda;
 - 4.1.60.4 to refer something to an appropriate body or individual;
 - 4.1.60.5 to appoint a committee or Councillor arising from an item on the summons for the meeting;
 - 4.1.60.6 to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
 - 4.1.60.7 to withdraw a motion;
 - 4.1.60.8 to amend a motion, subject to the provisions of the Budget and Policy Framework Rules in relation to amendment of the Cabinet's proposals for the Council's Budget and Policy Framework;
 - 4.1.60.9 to proceed to the next business;
 - 4.1.60.10 that the question be now put;
 - 4.1.60.11 to adjourn a debate;
 - 4.1.60.12 to adjourn a meeting;
 - 4.1.60.13 to suspend a particular Council Procedure Rule;
 - 4.1.60.14 to exclude the public and press in accordance with the Access to Information Rules;
 - 4.1.60.15 to not hear further a Councillor named under paragraph 4.3.101 or to exclude them from the meeting under paragraph 4.3.102; and
 - 4.1.60.16 to give the consent of the Council where its consent is required by this Constitution.

Rules of debate

Speeches

- 4.1.61 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded. When seconding a motion or amendment, a Councillor may reserve their speech until later in the debate.
- 4.1.62 Speeches must be directed to the question under discussion or to a personal explanation or point of order, and may not exceed 5 minutes without the consent of the Chairman.
- 4.1.63 When the Council's annual budget is under discussion, the leader of each political group on the Council and the Cabinet Member presenting the budget may speak for up to ten minutes or such longer period as the Chairman shall allow.
- 4.1.64 A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- 4.1.64.1 to speak once on an amendment moved by another Councillor;
 - 4.1.64.2 to move a further amendment if the motion has been amended since they last spoke;
 - 4.1.64.3 if their first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which he spoke was carried);
 - 4.1.64.4 in exercise of a right of reply;
 - 4.1.64.5 on a point of order; and
 - 4.1.64.6 by way of personal explanation.

Alteration of motions

- 4.1.65 A Councillor 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.
- 4.1.66 A Councillor 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.
- 4.1.67 Only alterations which could be made as an amendment may be made.
- 4.1.68 A Councillor 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 Councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

Amendments to motions

4.1.69 An amendment to a motion must be relevant to the motion and will either be:

4.1.69.1 to leave out words; or

4.1.69.2 to leave out words and insert or add others; or

4.1.69.3 to insert or add words

as long as the effect of 4.1.69.1 to 4.1.69.3 is not to negate the motion.

4.1.70 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.

4.1.71 The Chairman will ask the proposer of the original motion if they are willing to alter their motion in accordance with the amendment. If they accept, the amendment becomes the substantive motion and is debated. If the proposer of the original motion is unwilling to alter their motion, the Chairman will ask if there is a seconder for the amendment. If there is a seconder, the amendment will then be debated and voted upon.

4.1.72 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.

4.1.73 The mover of the amendment has no right of reply to the debate on their amendment.

4.1.74 If an amendment is not carried, other amendments to the original motion may be moved.

4.1.75 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.

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

Debate

4.1.77 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.

- 4.1.78 When a motion is under debate, no other motion may be moved except the following procedural motions:
- 4.1.78.1 to withdraw a motion;
 - 4.1.78.2 to amend a motion;
 - 4.1.78.3 to proceed to the next business;
 - 4.1.78.4 that the question be now put;
 - 4.1.78.5 to adjourn a debate;
 - 4.1.78.6 to adjourn a meeting;
 - 4.1.78.7 to exclude the public and press in accordance with the Access to Information Rules; and
 - 4.1.78.8 to not hear further a Councillor named under paragraph 4.1.101 or to exclude them from the meeting under paragraph 4.1.102.
- 4.1.79 A Councillor may move, without comment, the following motions at the end of a speech of another Councillor:
- 4.1.79.1 to proceed to the next business;
 - 4.1.79.2 that the question be now put;
 - 4.1.79.3 to adjourn a debate; or
 - 4.1.79.4 to adjourn a meeting.
- 4.1.80 If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- 4.1.81 If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is carried they will give the mover of the original motion a right of reply before putting his or her motion to the vote.
- 4.1.82 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman 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.

Point of Order

- 4.1.83 A point of order is a request from a Councillor to the Chairman to rule on an alleged irregularity in the procedure of the meeting. A Councillor may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these

Council Procedure Rules or the law. The Councillor must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chairman on the matter will be final.

Personal explanation

- 4.1.84 A Councillor may make a personal explanation at any time provided it relates to a material part of an earlier speech by the Councillor which appears to have been misunderstood in the debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

Previous decisions and motions

- 4.1.85 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 ten councillors.
- 4.1.86 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 ten councillors. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

Voting

Majority

- 4.1.87 Unless this Constitution or statute provides otherwise, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put. Councillors attending the meeting remotely are unable to vote.

Casting vote

- 4.1.88 If there are equal numbers of votes for and against, the Chair will have a second or casting vote¹⁶. There will be no restriction on how the Chair chooses to exercise a casting vote.

Form of vote

¹⁶ Paragraph 39(2) of Schedule 12 to the Local Government Act 1972

- 4.1.89 Unless a recorded vote is demanded under 4.1.90 or required under 4.1.91 the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.
- 4.1.90 If five councillors request it, the vote or abstention of each councillor on the motion or amendment will be recorded and reflected in the minutes (a recorded vote).
- 4.1.91 At the Budget meeting of Council all motions and amendments relating to budget decisions will be conducted by recorded vote and the minutes of the meeting will record the names of those voting for and against the decision or who abstained from voting in accordance with the Budget and Procedure Rules at Part 4, Section 3 of this constitution.
- 4.1.92 Where any Councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion, or abstained from voting.
- 4.1.93 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.

Minutes

- 4.1.94 The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman 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.
- 4.1.95 Where in relation to any meeting the next meeting for the purpose of signing the minutes is an Extraordinary meeting¹⁷, the next following ordinary or annual meeting will be treated as a suitable meeting for the purposes of signing of minutes¹⁸.
- 4.1.96 Minutes will summarise the business of the meeting in the order it was conducted.

¹⁷ called under paragraph 3 of Schedule 12 to the Local Government Act 1972

¹⁸ for the purposes of paragraph 41(1) and (2) of Schedule 12 of the Local Government Act 1972 (signing minutes)

Record of attendance¹⁹

- 4.1.97 All councillors present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance, adding their time of arriving or leaving if this was after the start of the meeting or before the end of the meeting.
- 4.1.98 The remote attendance of Councillors will be noted in the minutes of the meeting but remote attendance will not count towards calculations in respect of the six month rule.

Exclusion of the public

- 4.1.99 Members of the public and press may only be excluded from a meeting either in accordance with the Access to Information Rules in Part 4 of this Constitution or paragraphs 4.1.104 and 4.1.105 (Disturbance by Public).

Conduct

Councillors

- 4.1.100 Councillors must observe the following when attending and speaking at a meeting of the Council:
- 4.1.100.1 Stand unless permitted by the Chairman to remain seated;
 - 4.1.100.2 Address all comments through the Chairman;
 - 4.1.100.3 Abide by the Chairman's determination of the order in which councillors will be heard if more than one councillor indicates a desire to speak;
 - 4.1.100.4 Remain silent whilst another councillor is speaking, unless raising a point of order or a point of personal explanation;
 - 4.1.100.5 Stop speaking when the Chairman speaks during a debate;
 - 4.1.100.6 Respect the ruling of the Chairman on matters of procedure.
- 4.1.101 If a councillor persistently disregards the ruling of the Chairman, the Chairman may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion.
- 4.1.102 If the Councillor continues to behave inappropriately²⁰ after such a motion is carried, the Chairman may move that either the councillor leaves the

¹⁹ Paragraph 40 of Schedule 12 to the Local Government Act 1972

²⁰ that is improperly, offensively or deliberately obstructs the conduct of business

meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

- 4.1.103 If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as they think necessary.

Public

- 4.1.104 If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.
- 4.1.105 If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part of the room to be cleared.

Appointment of substitutes

- 4.1.106 Subject to any other restrictions elsewhere in the Constitution, any councillor is permitted to act as a substitute on a Council body provided that:
- 4.1.106.1 Democratic Services is notified of the arrangement not less than one hour before the meeting to which it applies commences;
 - 4.1.106.2 the substitute is of the same political group as the nominating councillor;
 - 4.1.106.3 where attendance at specific training is a pre-requisite for participation in a committee or sub-committee²¹, the substitute has completed the required training.
- 4.1.107 Substitutes will have all the powers and duties of a member of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.
- 4.1.108 Substitutes may attend meetings in that capacity only:
- 4.1.108.1 to take the place of the councillor for whom they are substituting;
 - 4.1.108.2 where the nominating councillor will be absent for the whole of the meeting;

Suspension and amendment of council procedure rules

- 4.1.109 All of these Council Procedure Rules except 4.1.92, 4.1.95 and this paragraph 4.1.109 may be suspended by motion on notice or without

²¹ For example regulatory or quasi-judicial committees (i.e. Licensing and Planning) and appointment or disciplinary bodies

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.

- 4.1.110 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.

Application to committees and sub-committees

- 4.1.111 All of the Council Procedure Rules apply to meetings of the full Council.
- 4.1.112 None of the rules apply to meetings of the Cabinet or its committees.
- 4.1.113 All of the Council Procedure Rules apply to meetings of committees and sub-committees of Council except 4.1.1 (time and venue of meeting), 4.1.8 to 4.1.18 (meetings of full council), 4.1.20 (quorum); 4.1.99 (exclusion of public) and 4.1.100.1 (standing to speak). References to the Chairman also include the Chairman of Committees and Sub-Committees where these rules apply.
- 4.1.114 Where these Council Procedure Rules conflict with statutory provisions, the statutory provisions shall prevail.