

SECTION 1 – COUNCIL PROCEDURE RULES

PART I – MEETINGS AND PROCEEDINGS OF THE COUNCIL

1. ANNUAL MEETING OF THE COUNCIL

1.1 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 take place in May, on a date to be fixed and at a time to be determined by the Council.

The Annual Meeting will:

- (a) elect a Councillor to be Mayor of the Borough for the Municipal Year (i.e. until a successor is appointed at the next Annual Meeting). The Mayor will preside at meetings of the Council;
- (b) appoint a Deputy Mayor of the Borough for the Municipal Year (i.e. until a successor is appointed at the next Annual Meeting). The Deputy Mayor will preside at meetings of the Council in the absence of the Mayor;
- (c) elect a person to preside if both the Mayor and Deputy Mayor are absent;
- (d) receive any apologies for absence;
- (e) receive any declarations of interest from Councillors;
- (f) approve the minutes of previous Council meeting(s) as a correct record;
- (g) receive any announcements from the Mayor and or the Chief Executive;
- (h) elect a Councillor to be Leader of the Council for the Municipal Year (i.e. until a successor is appointed at the next Annual Meeting). The Leader of the Council will be the Chair of the Executive Committee;
- (i) elect a Councillor to be Deputy Leader of the Council for the Municipal Year (i.e. until a successor is appointed at the next Annual Meeting). The Deputy Leader of the Council will be the Vice-Chair of the Executive Committee;
- (j) decide the allocation of seats to political groups. [*The Corporate Director will notify the Leaders of the Political Groups in advance of the allocation of seats and invite nominations to those seats*];
- (k) appoint the Committees listed in Part 3 of this Constitution, and receive nominations of Councillors to serve on each Committee and make those appointments;
- (l) appoint Independent Persons as non-voting members of the Standards Committee together with the Parish representative as appropriate;

- (m) determine those outside bodies to which the Council wishes to make an appointment, the number of such appointments to each body, receive nominations of Councillors to serve on those outside bodies and make those appointments (except where appointment to those bodies has been delegated by the Council);
- (n) agree the number of Lead Members to be appointed and to appoint those Members;
- (o) deal with items from members of the public under Council Procedure Rule 12 (items at the Annual meeting must relate to an item of business on the Agenda);
- (p) deal with questions and/or petitions from Councillors;
- (q) consider any business remaining outstanding from a previous meeting;
- (r) deal with any business expressly required by law to be done including consideration of reports of Officers or other people exercising a statutory responsibility to report to the Council;
- (s) receive and consider reports and recommendations from Committees together with any update reports from Officers;
- (t) consider other business, if any, set out in the Agenda;
- (u) consider Motions of which Notice has been given pursuant to Council Procedure Rule 14.1;
- (v) consider exempt business, if any, set out in the Agenda.

1.2 Variation of Order of Business

Except for items (a)-(f) of Council Procedure Rule 1.1 above the order of business may be varied either:

- (a) by the Mayor at his/her discretion; or
- (b) by a resolution of the Council, passed on a Motion (of which no prior notice is needed) duly proposed and seconded which, once moved, shall be put without discussion.

1.3 Adjournment and Resumption of Annual Meeting

The Annual meeting will stand adjourned following completion of items 1.1 (a) & (b) and will resume at a date, time and place to be announced at the time of adjournment of the meeting.

2. CHANGES TO COUNCILLORS ON COMMITTEES

2.1 Authority to make changes

The Corporate Director is given delegated authority to appoint Councillors to seats allocated to political groups (or to make changes and fill vacancies) in accordance with the wishes of those Groups subject to the procedure set out below:

- (a) The Councillor or the relevant Political Group Leader must notify the Corporate Director in writing that the Member will no longer serve on the Committee.
- (b) The name of the Councillor proposed to fill the vacancy created by (a) above shall be notified by the relevant Political Group Leader to the Corporate Director in writing.
- (c) In order to be effective from the date of the next meeting of the relevant Committee, the cessation of membership and filling of vacancy referred to in (a) and (b) above must be received by the Corporate Director no later than eight working days prior to the date of the relevant Committee.
- (d) The changes effected as a result of (a), (b) and (c) above will remain in operation for a period of not less than eight weeks.

2.2 Political Groups

For a Political Group to be recognised by the Council, the following must occur:

- the Corporate Director must receive a notice signed by at least two Councillors who wish to be treated as a Political Group;
- the notice must identify the name of the Political Group and the name of the Group's Leader (who must be one of the Councillors signing the notice);
- all Councillors who wish to be regarded as members of the Political Group must sign the notice.

2.3 Review of Political Representation on Committees

Whenever the Council is required to review the allocation of seats on Committees between Political Groups, the Corporate Director shall submit a report to the Council showing what allocation of seats would best meet the requirements of the Local Government and Housing Act 1989 (political balance) and the Council shall determine the allocation of seats having regard to that report.

3. ORDINARY MEETINGS OF THE COUNCIL

3.1 Timing

Ordinary Meetings of the Council will take place in accordance with a programme decided by the Council at its first meeting in the calendar year, at which it will set dates and times for its meetings and for meetings of its Committees throughout the ensuing year. It is open to the Council and Committees to revise or set additional dates/times to suit their work programmes for the year.

3.2 Business

Ordinary Meetings will:

- (a) elect a person to preside if both the Mayor and Deputy Mayor are absent;
- (b) receive any apologies for absence;
- (c) receive any declarations of interest from Members;
- (d) approve the minutes of the previous Council meeting(s) as a correct record; (Note: There will not be any discussion on matters arising from the Minutes, other than to draw attention to any inaccuracy);
- (e) receive any announcements from the Mayor and/or the Chief Executive;
- (f) deal with items from members of the public under Council Procedure Rule 12;
- (g) deal with questions and/or petitions from Councillors;
- (h) consider any business remaining outstanding from a previous meeting;
- (i) deal with any business expressly required by law to be done including consideration of reports of Officers or other people exercising a statutory responsibility to report to the Council;
- (j) receive and consider reports and recommendations from Committees together with any update reports from Officers;
- (k) consider other business, if any, set out on the Agenda;
- (l) consider Motions of which Notice has been given pursuant to Council Procedure Rule 14.1;
- (m) consider exempt business, if any, set out on the Agenda.

3.3 Variation of Order of Business

Except for items (a)-(e) of Council Procedure Rule 3.2 above the order of business may be varied either:

- (a) by the Mayor at his/her discretion; or
- (b) by a resolution of the Council, passed on a Motion (of which no prior notice is necessary) duly proposed and seconded which, once moved, shall be put without discussion.

3.4 No item of business should be raised at a Council meeting unless notice has been given at least five clear working days before the meeting. Council Procedure Rule 26 sets out the Rules relating to urgent business.

4. EXTRAORDINARY MEETINGS OF THE COUNCIL

4.1 Calling Extraordinary Meetings

Those listed below may request the Corporate Director to call Council meetings in addition to Ordinary Meetings:

- (i) the Council by resolution;
- (ii) the Mayor, at his/her discretion;
- (iii) the Monitoring Officer;
- (iv) the Chief Finance Officer;
- (v) the Mayor, in response to a written request from any five Councillors. If the Mayor refuses to call a meeting or fails to call a meeting within seven days of the presentation of the requisition, the five Councillors concerned may require the Corporate Director to call the meeting. The requisition must specify the single item of business that it is proposed to transact at the meeting and the day and time for the meeting to take place.

4.2 Business

The summons for the Extraordinary Meeting must set out the specific item(s) of business to be transacted, and no other business can be considered at the meeting.

5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Corporate Director and notified in the summons.

The Corporate Director is responsible for convening all meetings of Councillors (Council, Committees, Working Groups, Seminars etc).

A central diary of meetings will be maintained by the Corporate Director to assist in the planning of meetings and to avoid meetings with like membership meeting concurrently.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Corporate Director will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days (excluding weekends, the day of publication and the day of the meeting) before a meeting, the Corporate Director will send a summons by post to every Member or make arrangements for it to be left 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.

7. REGISTER OF ATTENDANCE

Councillors will sign a register of attendance and the names of Councillors present will be recorded in the Minutes of all meetings.

8. THE MAYOR

The Mayor is responsible, as Chair, for conducting the meeting.

The powers and duties of the Mayor are:

- to preserve order and ensure the proper and efficient conduct of the meeting;
- to confine discussion to the issue under consideration;
- to ensure all Members have an opportunity to participate;
- to decide whether proposals put to the meeting are in order;
- to decide on procedural matters;
- to conduct voting and to declare the result;
- to sign the Minutes of the previous meeting as a correct record when the meeting authorises it;
- to decide whether urgent items should be added to the Agenda;
- to adjourn the meeting if circumstances justify such action; and
- to declare the meeting closed when its business has been completed.

The ruling of the Mayor is conclusive and shall not be open to discussion.

9. CHAIR

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

10. QUORUM

The quorum of a meeting will be one quarter of the whole number of Members. During any meeting, if the Mayor counts the number of Members present and declares there is not a quorum, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next Ordinary Meeting.

11. DURATION OF MEETING

Unless the majority of Members present vote for the meeting to continue any meeting that has lasted for six hours (excluding adjournments) or beyond 11.00pm will adjourn immediately following conclusion of the item of business under consideration. Remaining business will be considered at a time and date fixed by the Mayor. If the Mayor does not fix a date, the remaining business will be considered at the next Ordinary Meeting.

12. ITEMS FROM THE PUBLIC

(See also Part IV: Scheme for Public Participation at Council and Other Meetings)

A member of the public is entitled to make a deputation or ask a question at a meeting of the Council.

The following explains how items from the public are dealt with at Council meetings.

12.1 Questions

The Mayor will invite the person giving notice of the question to the front of the Chamber (or other appropriate place) to ask the question of the relevant Councillor.

The Councillor may:

- answer the question;
- ask an Officer to answer it;
- say that a written answer will be provided within five working days; or
- decline to answer the question and may give reasons.

12.2 Statements and Deputations

The Mayor will invite the person making the statement or deputation to the front of the Chamber (or other appropriate place) to speak to the meeting for no more than five minutes.

Councillors will be allowed to ask any questions of the speaker that may help to clarify the points made or to establish the facts.

12.3 Action by the Meeting

The meeting may:

- (a) ask a Committee to consider the matters raised in the submission;
- (b) if it is about a matter on the meeting's Agenda, defer consideration until that item is reached; or
- (c) note the points raised.

12.4 Dealing with Items from the Public

No more than 30 minutes will be allowed in total at a meeting to deal with items from the public.

The Mayor will select the order in which items from the public will be dealt with.

The ruling of the Mayor as to the interpretation and application of these procedures shall be conclusive and not open to challenge.

12.5 Petitions

The Council has a Petitions Scheme and petitions will be dealt with in accordance with this Scheme.

13. ITEMS FROM COUNCILLORS

A Councillor at a Council meeting may present a petition or ask a question.

The following explains how items from Councillors are dealt with at Council meetings.

13.1 Petition

A Councillor may present a petition (no minimum number of signatures). There is no requirement to give formal prior notice of the intention to present a petition, but notification must be given to the Corporate Director at least one hour before the start of the meeting.

The Council will receive the petition and (a) refer it without debate to the appropriate Committee(s); or (b) if the petition relates to a matter on the Agenda, refer it for consideration with that item; or (c) refer it to a future Council meeting; or (d) note the petition.

The Councillor presenting the petition may attend any meeting considering the petition. The Councillor can speak on the petition, but only vote at a meeting of a Committee if he/she is a Member of that Committee.

13.2 Questions

A Councillor at a Council meeting may ask a written question of the Leader of the Council or relevant Lead Member. All questions must relate to a matter which concerns the Council's powers or duties or affects the Borough.

The question must be submitted in writing to the Corporate Director by not later than 10.00am on the working day immediately preceding the date of the meeting.

The questions to be asked, and the replies to be given, will be printed and circulated to all Councillors at least 30 minutes before the start of the Council meeting. The Minutes of the meeting will incorporate the questions and answers and any supplementary questions and answers.

At the meeting, the Mayor will announce each question in turn.

The question and answer will be taken as read without discussion, but the questioner will be allowed to ask one supplementary question arising directly from the question or from the reply. A Councillor to whom a question has been put may, with the permission of the Mayor, ask someone else to answer it.

14. MOTIONS FROM COUNCILLORS

A Councillor may bring a Motion before the Council on any matter relevant to its functions.

14.1 Notice

Except for Motions which can be moved without notice under Procedure Rule 15, written notice of every Motion, signed by at least one Councillor, must be delivered to the Corporate Director at least seven clear working days (excluding the day of the meeting) before the meeting.

14.2 Record of Motions

Notices of Motions will be dated, numbered and entered in the order in which they are received in a book available for inspection by Councillors.

14.3 Motion set out in Agenda

Motions for which notice has been given will be listed on the Agenda in the order in which notice was received, unless the Councillor(s) giving notice state, in writing, that they propose to move it to a later meeting or withdraw it.

14.4 Scope

Motions must be about matters for which the Council has a responsibility, or which affect the Borough, the ruling on which will be made by the Corporate Director.

14.5 Dealing with Motions at Meetings

The Mayor will ask the meeting to decide whether:

- (1) The Motion should be discussed at the meeting (although the Motion may **only** be discussed at the meeting if the Mayor considers it convenient and conducive to the despatch of business and the Council considers that it has before it all the information and advice necessary to make a proper decision); or
- (2) To refer the matter without debate to a Committee for consideration with authority either to make a decision on the matter or to bring a recommendation back to Council. The Councillor who gave notice of the Motion may attend any meeting at which it is considered, but only vote if he/she is a Member of that Committee.

If (1) is decided the relevant Councillor will be invited to propose the Motion and speak on it for no more than five minutes and the seconder will speak for no more than three minutes.

If (2) is decided the Councillor proposing the Motion will be permitted to briefly introduce the Motion.

14.6 Voting on Motions

At the end of a debate the Motion shall be formally concluded by a vote.

15. MOTIONS WITHOUT NOTICE

Any Councillor may propose, at any time during a meeting, a course of action which will enable the meeting to reach a decision or to proceed with its business. No new material may be introduced in putting forward such a proposal and no prior notice is required.

The following Motions may be moved without notice:

- (a) the appointment of a Chair of a meeting when the Mayor and Deputy Mayor are absent;
- (b) in relation to the accuracy of the Minutes;
- (c) to change the order of business on the Agenda;
- (d) to refer or refer back, something to an appropriate Committee, body or individual;
- (e) to appoint a Committee including membership arising from an item mentioned in the Agenda to the meeting;
- (f) to receive reports or adopt recommendations of Committees or Officers;
- (g) to propose a Motion relating to a report of a Committee which has failed to reach agreement and has referred the matter to the Council without specific recommendation(s);

- (h) to propose a Motion for consideration without introducing new material when, as a result of debate, there is no proposal that commands a majority of support, relating to an item on the Agenda (Note: this Motion would normally be moved when there is nothing on the table but a legal deadline to meet);
- (i) to withdraw a Motion;
- (j) to amend a Motion;
- (k) to proceed to the next item of business;
- (l) to put the question immediately to the vote;
- (m) to propose that the method of voting should be other than by a show of hands;
- (n) to adjourn a debate;
- (o) to adjourn a meeting;
- (p) to suspend a particular Council Procedure Rule;
- (q) to exclude the public and press in accordance with the Local Government Act 1972 (as amended);
- (r) to exclude the public in the event of conduct of a disorderly nature;
- (s) to not hear further a Councillor named or to exclude them from the meeting;
- (t) to give the consent of the meeting where its consent is required by this Constitution; and
- (u) to declare “no confidence” in the Mayor.

NB: In accordance with 4.2 above, items from Councillors will not be included on the Agenda for Extraordinary Meetings.

16. REPORTS OF OUTSIDE BODIES

Those Members appointed as representatives on Outside Bodies shall follow the following procedure (in accordance with the Protocol set out in Part 5 of this Constitution):

1. Following any Outside Body meeting the Outside Body representative will provide an update to the appropriate Lead Member. Where there is more than one representative on the Outside Body the representatives will agree as to who should provide the feedback.
2. Lead Members will provide regular written updates, for inclusion on the Member Update Sheet, on matters pertaining to their portfolio including Outside Body issues.

Members will be able to obtain assistance from Democratic Services in preparing information for inclusion on the Member Update Sheet and advice on which Outside Bodies relate to which Portfolio etc.

17. RULES OF DEBATE

17.1 The Mayor

The Mayor is responsible for maintaining order and ensuring the proper conduct of the meeting. It is therefore accepted that debate at meetings is subject to the Mayor's ruling. When the Mayor indicates his/her intention to make a ruling, the meeting (including the Councillor making the speech) will be silent.

The following guidance aims to ensure fairness and the efficient conduct of business.

When speaking at meetings, Councillors will address the Mayor.

The Mayor will not normally take part in debate at a Council meeting. If, in respect of a specific matter, the Mayor is a local Councillor, or there are other special circumstances agreed by the meeting, he/she may speak in debate.

Councillors may move a Motion declaring "no confidence" in the Mayor, at any time during the meeting. A vote must be taken immediately following debate and will be carried by a majority. If such a vote is carried, the Chair will be taken by the Deputy Mayor for the remainder of the meeting.

17.2 Motions

A Motion is a proposal aimed at opening a debate on an Agenda item. The Councillor "moves" the Motion. This usually takes the form of a proposal to adopt a course of action based on a recommendation in a report. It can be a different proposal to that recommended in the report. This is **not** an amendment.

A recommendation in a report is not a Motion unless, or until, a Councillor proposes its adoption.

17.3 Seconding a Motion

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, a Councillor may reserve his/her speech until later in the debate.

17.4 Amendments

An Amendment is a proposal by a Councillor to change the words of a Motion which has been moved and seconded. The change may be:

- to leave out words;
- to leave out words and add new words;
- to insert or add words; or
- to refer the matter to a Committee for consideration or reconsideration.

An Amendment must not:

- (a) be a direct negative of a Motion; nor
- (b) seek to introduce a brand-new issue, unrelated to the terms of the Motion.

17.5 Seconding an Amendment

No speeches may be made after an Amendment has been proposed until the Amendment has been seconded. When seconding an Amendment, a Councillor may reserve his/her speech until later in the debate.

17.6 Order of Amendments

If an Amendment is successful (carried) the original Motion as amended becomes the new principal (or substantive) Motion to which further Amendments may be moved. If an Amendment is not successful (lost), other Amendments to the original Motion may be moved. When an Amendment has been moved and seconded no other Amendment can be moved until the first Amendment has been voted upon.

Exceptionally, the Mayor may, to facilitate the proper conduct of the Council's business, permit two or more Amendments to be discussed (but not voted on) together.

The mover and seconder of an Amendment may agree to incorporate suggestions made during debate into the Amendment. Any number of Amendments may be proposed but each will be dealt with in turn in the way described.

17.7 Content and Length of Speeches

Speeches must relate to the business under discussion. A mover of a Motion or Amendment may speak for no more than five minutes. All other speeches may not exceed three minutes. (Unless, in each case, the Mayor gives permission for the speaker to continue for a specified time).

17.8 Councillor to Speak Once in Debate

A Councillor may only speak once in a debate on a Motion, unless:

- (a) exercising a right of reply – this applies to those who move Motions and, where remarks are reserved, to the seconder of a Motion;
- (b) raising a point of order;
- (c) raising a point of personal explanation;
- (d) raising a point of information;
- (e) moving an Amendment or speaking on an Amendment moved by another Councillor;
- (f) moving a Motion relating to disorderly conduct (see Council Procedure Rule 15(r));

- (g) moving a new Motion which may be moved during a debate without notice (see Council Procedure Rule 15).

17.9 Right of Reply

At the end of a debate about a Motion which is not amended, the Councillor who first proposed it at the meeting has a right to reply to the points raised in the debate.

The right of reply to a debate on an Amendment is with the Councillor who moved the Amendment not the Councillor who moved the Motion. The mover of the Motion has no right of reply to the debate on the Amendment.

Any procedural Motion moved during debate under Council Procedure Rule 15 shall not deny a Councillor the right of reply.

17.10 Procedural Motions

Procedural Motions which may be proposed at any time during a meeting, without notice, are set out in Council Procedure Rule 15.

17.11 Motions affecting employees of the Council

If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, remuneration, superannuation, conditions of service, or conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council has decided whether or not to exclude the public and press in accordance with the provisions of Section 100A of the Local Government Act 1972.

17.12 Motions relating to the Council's budget

Where a Councillor intends to move a Motion or Amendment in relation to the Council's annual budget, the text of the proposed Motion or Amendment must be submitted in writing to the Corporate Director by 9.00am on the working day preceding the day of the Council meeting, in order that Officers may have sufficient time to consider and advise the Council of the financial and other implications of any such Motion or Amendment.

17.13 Interruption of Debate

A Councillor may propose, without notice, a Motion to adjourn or terminate the debate by one of the forms detailed below. Providing the Motion is seconded, there will be no debate and a vote will be taken immediately.

(1) Closure of Debate

To move the closure of a debate means to move "that the question now be put" or "that the vote be taken" i.e. that discussion shall end and the vote on the matter being considered be taken without delay. If seconded and carried, it shall have the effect of ending discussion and securing a decision once the mover of the original Motion or of an Amendment has summed up.

(2) Proceed to Next Business

If it is moved and carried "that the Meeting move to the next business", the discussion in progress is abandoned, and any Motions before the meeting shall be abandoned and not put to the meeting. If an amendment is under discussion, the discussion shall be abandoned, and the meeting shall return to discussion of the Motion in its original form. (This will not prevent the moving of further amendments).

(3) Adjournment of the Debate

A Motion to adjourn the debate shall take the form "that the debate be adjourned". If passed, it shall have the effect of postponing the business under consideration until another time (either fixed or indefinite). An adjournment under this Rule shall not interfere with the continuance of the meeting for the transaction of other business under consideration by the meeting.

(4) Adjournment of the Meeting

A Motion to adjourn the meeting shall take the form "that the meeting be adjourned". If passed, it shall have the effect of adjourning the business remaining to be transacted until the time and date fixed for the adjournment. The meeting, or the Mayor or the Corporate Director, in consultation with the Mayor, will decide the date and time of the adjourned session.

17.14 Point of Order

A Councillor may raise a point of order at any time. The Mayor will hear it 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 he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

17.15 Personal Explanation

A Councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Councillor that may appear to have been misunderstood in the present debate. Any Councillor raising a "point of personal explanation" will be heard immediately. The ruling of the Mayor on the admissibility of a personal explanation will be final.

17.16 Point of Information

A Councillor may offer a point of information relevant to the discussion and shall be heard immediately if:

- (a) the Councillor speaking is prepared to allow the point of information to be heard; or
- (b) the Mayor directs that the point be heard.

18. VOTING

Voting at meetings shall be by the Mayor announcing the proposal to be voted upon and inviting those in favour and those against or abstaining to indicate in each case by a show of hands. The Mayor shall then decide and announce whether those in favour or against the proposal are in the majority. The majority view becomes the decision.

18.1 Mayor's Casting Vote

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

If the Mayor decides not to exercise a second (or casting vote) and the voting remains equal, the Motion is not carried and is deemed to have been lost. It is always open to a Councillor to put forward another proposal when this occurs.

18.2 Recorded Vote

The mode of voting is by show of hands unless, before the vote is taken, a request is made and supported by five other Councillors for the vote to be taken by ballot or roll call.

18.3 Recording of Individual Vote

Any Councillor may ask, immediately after the vote has been taken, to have his/her name recorded in the Minutes as voting for or against a proposal or abstaining, and this will be recorded.

18.4 Voting on Appointments

If there are more than two people nominated for any position to be filled by the Council, and there is not a clear majority of votes in favour of one person (i.e. the number of votes cast for one person is not greater than the total sum of the votes cast for all other nominees), 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.

18.5 Voting at Budget Decision Meetings

Immediately after any vote is taken at a 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.

Definition

- (a) “budget decision” means a meeting of the relevant body 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 or 52ZJ of the Local Government Finance Act 1992(6); 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.

- (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.

19. EXCLUSION OF THE PUBLIC

Members of the public and press may only be excluded from meetings either in accordance with the Access to Information Procedure Rules set out in Part 4, Section 2, or in accordance with Rule 23 of the Council Procedure Rules (Disturbance by the Public).

20. MINUTES

The Mayor will invite the meeting to approve the Minutes of the previous meeting(s) as a correct record. There will be no discussion on the Minutes other than on their accuracy. When approved the Minutes are signed by the Mayor.

An Extraordinary meeting will not be asked to approve as a correct record the Minutes of the previous Ordinary meeting. These Minutes will be submitted to the next practicable Ordinary meeting.

The Minutes of an Extraordinary meeting will be submitted to the next practicable Ordinary meeting for approval as a correct record.

21. SIX MONTH RULE

The Council will not consider any matter which has already been considered, adopted or rejected by the Council within the previous six months. The **exceptions** to this Rule are:

- If the matter is presented to the Council following a report or recommendation of a Committee or Officer of the Council where there has been a significant change in circumstances from those considered previously.
- Where written notice of a proposal for the Council to consider the matter is given to the Corporate Director. The notice must be signed by at least 19 Members of the Council.

22. COUNCILLORS CONDUCT

22.1 Standing to speak

Where a Councillor speaks at Council he/she must stand and address the meeting through the Mayor. If more than one Councillor stands, the Mayor will ask one to speak and the other(s) must sit. Other Councillors must remain seated whilst a Councillor is speaking unless they wish to make a point of order, a point of personal explanation or a point of information. The Mayor has the right to waive the requirement for a Councillor to stand to speak where he/she considers it appropriate to do so.

22.2 Mayor standing

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

22.3 Councillor not to be heard further

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

22.4 Councillor to leave the meeting

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

22.5 General disturbance

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

23. DISTURBANCE BY PUBLIC

23.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will arrange for their removal from the meeting room and will suspend the meeting until the member of the public has left or has been removed.

24. PHOTOGRAPHY AND AUDIO RECORDING OF MEETINGS

Tewkesbury Borough Council supports the principles of openness and transparency and allows recording at its meetings that are open to the public, subject to the provisions of the Protocol on Recordings at Meetings as set out in Part 5 of this Constitution.

25. SUSPENSION OF COUNCIL PROCEDURE RULES

It is open to any meeting to suspend one or more of the Council Procedure Rules except any of the Rules which are requirements of statute or regulation.

It is necessary for the suspension of Council Procedure Rules to be proposed by a Councillor who should make it clear which Rule is being suspended and for how long. For example, it may be appropriate to suspend a Rule for part or all of the meeting. Suspension can be for no longer than the duration of the meeting.

A Motion to suspend the Council Procedure Rules shall be of no effect unless at least half of the whole number of Members of the Council are present and two thirds of those have voted in favour of suspension.

26. URGENT BUSINESS

No item of business should be raised at a Council meeting unless prior notice has been given on the Agenda or unless the Mayor is satisfied that the item is urgent enough to justify its inclusion on the Agenda. The reasons for urgency will be recorded in the Minutes of the meeting.

The discretion is entirely that of the Mayor.

27. URGENCY PROCEDURE

Under this Rule of Procedure, the appropriate Chief Officer(s) and Chief Executive are given delegated power to take a decision which would normally be taken by Council or a Committee subject to the following:

- i) The matter is urgent.
- ii) The decision is within Council policy.
- iii) The action is taken after consultation with appropriate Lead Member(s) (or in their absence the Leader of the Council).
- iv) The consultation with the Members listed above takes place in liaison with the Chief Executive and other Chief Officers as appropriate.
- v) The action is reported by the Corporate Director to the next available meeting of the appropriate Committee or Council for information.
- vi) If, on being consulted under the provisions of this Rule of Procedure, any Member so requests, the Corporate Director shall convene an Extraordinary meeting of the Council or a Special meeting of the appropriate Committee in accordance with Rule of Procedure Nos. 4 and 38 to deal with the business to which the consultation related.

28. DISCLOSABLE PECUNIARY INTERESTS

A Member must withdraw from a meeting (including from the public area/gallery) during the whole of the consideration of any item of business in which the Member has a Disclosable Pecuniary Interest, or in which the Member has an 'other' interest where, as a consequence of Paragraph 10(4) of the Council's Code of Conduct, the Member is required to leave the meeting and not participate or vote on the matter, unless the Member is permitted to remain through the granting of a dispensation.