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COUNCIL MEETING PROCEDURE RULES

(STANDING ORDERS)

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Appendix 1: Definitions

Appendix 2: Simplified diagrams

NB The Rules shown in bold apply to Cabinet, Committees, Sub-Committees and Panels as provided for in Rule 23.

1 DEFINITIONS AND INTERPRETATION

1.1 In these Rules, the words and phrases set out in Appendix 1 will have the meanings given in that Appendix.

1.2 When more than one Councillor must give a notice, those Councillors may:

1.2.1 sign a joint notice; or

1.2.2 sign individual identical notices.

The notice will only be valid once the required number of signatures has been received.

2 MEETINGS OF THE COUNCIL

TIME AND PLACE OF MEETINGS

2.1 All Meetings of the Council shall be at 6.30pm at the Town Hall, Burton upon Trent unless the Council agrees otherwise.¹

TYPES OF MEETING

2.2 The Council shall meet each year for the Annual Council Meeting (see Rule 3).

2.3 The Council shall also meet each year for at least four Ordinary Council Meetings on dates fixed by the Council (see Rule 4).

2.4 The Mayor (or in their absence the Deputy Mayor) may call Extraordinary Council Meetings for special or urgent business at such dates and times as they decide.

2.4.1 An Extraordinary Council Meeting may also be called under Schedule 12 of the Local Government Act 1972 by any five Members if they have signed a requisition and presented it to the Mayor and they have either refused to call such a Meeting or has failed to do so within seven days after the requisition was presented to them.

¹ Meetings of Committees, Sub-Committees and Panels shall be at 6.30pm unless different arrangements are agreed by the Committee.

NOTICE OF MEETINGS

- 2.5** The Proper Officer shall notify the public of the date, time and place of any Meeting under the Access to Information Rules.
- 2.6** At least five clear working days before a Meeting, the Proper Officer will send a summons by post to every Councillor or leave it at their usual place of residence. The summons will give the date, time and place of the Meeting and specify the business to be conducted. The Proper Officer shall send out all available reports with the summons.²
- 2.7** In exceptional circumstances, less notice may be given of meetings (subject to the Access to Information Rules).
- 2.8** Late reports may only be sent out with the consent of the Mayor (or in their absence the Deputy Mayor) and the reason(s) for late despatch shall be given. Documents in support of an agenda item may be tabled at the Meeting, with the consent of the Mayor, if this helps the conduct of the business.

PRIVATE BUSINESS

- 2.9** Business for Council to discuss in private may be included on the agenda under Schedule 12A of the Local Government Act 1972, but the Council will only discuss such business in private if a resolution to exclude the press and public is passed at the Meeting.

NATURE OF BUSINESS

- 2.10** The Council will only discuss business in relation to matters for which the Council has a responsibility within the Borough of East Staffordshire.
- 2.11** Subject to Rule 12 (*Urgent Business*), the Council may only discuss business at a Meeting if it is either included on the agenda or it is directly relevant to an agenda item.

² For Committees, Sub-Committees and Panels, the Proper Officer shall send an agenda by email instead of a summons by post.

CANCELLING A MEETING

- 2.12** The Proper Officer may cancel a Meeting with the unanimous agreement of the Mayor, the Leader of the Council and the Leader of the Opposition.³

LENGTH OF MEETING

- 2.13** If a Meeting has not finished within three hours of the start of the Meeting and the Council has not extended the Meeting (see Rule 15.1.13), the Mayor shall:
- 2.13.1** adjourn the Meeting ; and
 - 2.13.2** in consultation with the Proper Officer fix the date and time for the Meeting to reconvene.

3 ANNUAL COUNCIL MEETING

INFORMAL MEETINGS

- 3.1** Council Members may meet informally before the Annual Council Meeting to make recommendations to the Annual Council Meeting.

TIMING OF MEETING

- 3.2** The Annual Council Meeting shall be held :
- 3.2.1** in the year of ordinary elections of Councillors, on the 8th day after the day of retirement of Councillors or such other day within the 21 days immediately following the day of retirement as the Proper Officer, in consultation with the Leader of the Council and the Leader of the Opposition, may fix;
 - 3.2.2** in any other year, on such day in May as the Proper Officer, in consultation with the Leader of the Council and the Leader of the Opposition, may fix.

³ The Proper Officer only requires the agreement of the Chairman of that Committee, Sub-Committee or Panel to cancel a meeting.

ORDER OF BUSINESS

- 3.3 The order of business at the Annual Council Meeting shall be as follows, unless varied by the Mayor:
- 3.3.1 To elect a Councillor to chair the Meeting if the Mayor and the Deputy Mayor are absent.
 - 3.3.2 To receive any apologies for absence.
 - 3.3.3 To receive any declarations of interest (see Rule 10).
 - 3.3.4 To approve the minutes of any Meetings which the Council has not already approved.
 - 3.3.5 To receive any announcements from the Mayor, the Leader of the Council or the Proper Officer.
 - 3.3.6 To elect the Leader of the Council (if appropriate).
 - 3.3.7 To appoint Councillors to serve on at least one Overview and Scrutiny Committee, a Committee to exercise the functions of an Audit Committee and such other Committees, Panels and Working Groups as the Council considers appropriate (see Rule 3.4).
 - 3.3.8 To, if it so decides, appoint Chairmen to the Committees, Panels and Working Groups.
 - 3.3.9 To appoint representatives to outside organisations and partnerships (where appropriate).
 - 3.3.10 To approve the dates of Ordinary Council Meetings for the year.
 - 3.3.11 To deal with any urgent business under Rule 12.
 - 3.3.12 To deal with any decisions which have been referred to the Council under the Council's "call in" procedure.
 - 3.3.13 To deal with any business remaining from a previous Meeting.
 - 3.3.14 To deal with Reports and Statements to Council which are on the agenda for that Meeting.
 - 3.3.15 To deal with Motions on Notice in the order in which the Proper Officer has received them.

3.3.16 To receive the answers to Questions asked under Rule 18.3 and Rule 18.8.

3.3.17 To elect the Mayor.

3.3.18 To elect the Deputy Mayor.

APPOINTMENT OF COMMITTEES ETC.

3.4 At the Annual Council Meeting, the Council shall:

3.4.1 decide which Committees, Panels and Working Groups to establish for the following year;

3.4.2 decide the size and terms of reference of those Committees, Panels and Working Groups;

3.4.3 allocate seats to the political groups (for formal Committees and Panels, seats must be allocated under the political balance rules);

3.4.4 receive nominations of Councillors to serve on those Committees, Panels and Working Groups from the political groups;

3.4.5 appoint people to those Committees, Panels and Working Groups under those nominations.

4 ORDINARY COUNCIL MEETINGS

ORDER OF BUSINESS

4.1 The order of business at Ordinary Council Meetings shall be as follows, unless varied by the Mayor:

4.1.1 To elect a Councillor to chair the Meeting if the Mayor and the Deputy Mayor are absent.

4.1.2 To receive any apologies for absence.

4.1.3 To receive any declarations of interest (see Rule 10).

4.1.4 To approve the minutes of any Meetings which the Council has not already approved.

- 4.1.5 To receive any announcements from the Mayor, the Leader of the Council or the Proper Officer.**
- 4.1.6 To receive any petitions under the Council’s Petition Scheme.
- 4.1.7 To deal with any urgent business under Rule 12.**
- 4.1.8 To deal with any decisions which have been referred to the Council under the Council’s “call in” procedure.
- 4.1.9 To deal with any business remaining from a previous Meeting.**
- 4.1.10 To deal with Reports and Statements to Council which are on the agenda for that Meeting.**
- 4.1.11 To deal with Motions on Notice in the order in which the Proper Officer has received them.
- 4.1.12 To receive the answers to Questions asked under Rule 18.3 and Rule 18.8.

5 EXTRAORDINARY MEETINGS

ORDER OF BUSINESS

- 5.1 The order of business at Extraordinary Council Meetings shall be as follows, unless varied by the Mayor:
 - 5.1.1 To elect a Councillor to chair the Meeting if the Mayor and Deputy Mayor are absent.
 - 5.1.2 To receive any apologies for absence.
 - 5.1.3 To receive any declarations of interest (see Rule 10).
 - 5.1.4 To deal with any business set out in the summons calling the Meeting.
- 5.2 Minutes of previous Meetings cannot be approved at Extraordinary Meetings.⁴

⁴ Under Schedule 2 Local Authorities (Standing Orders) Regulations 1993

6 CHAIRING MEETINGS

WHO WILL CHAIR MEETINGS

- 6.1 The Mayor shall chair Meetings.**
- 6.2 If the Mayor is absent, the Deputy Mayor shall chair the Meeting.**
- 6.3 If both the Mayor and the Deputy Mayor are absent, the Councillors at the Meeting shall elect a Councillor to chair the Meeting.**

POWERS OF THE MAYOR

- 6.4 Any person chairing a Meeting may exercise the powers of the Mayor for that Meeting.**
- 6.5 The decision of the Mayor on the interpretation of the Rules and all questions of order and procedure shall be final.**
- 6.6 Following consultation with Proper Officers, the Mayor may adjourn or suspend any Meeting if, in their opinion, it becomes impossible to carry out the business properly.**

RESPONSIBILITIES OF THE MAYOR

- 6.7 The Mayor shall preside over meetings so that its business can be carried out efficiently, in accordance with these Rules and with regard to the rights of Councillors and the interests of the community.**
- 6.8 The Mayor shall ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Cabinet are able to hold the Cabinet, the Leader and individual Cabinet Members to account.**

7 QUORUM AND SUBSTITUTES

- 7.1 The quorum for the Council shall be one-third of the total number of Councillors.⁵**

⁵ The quorum for a Committee, Sub-Committee or Panel shall be as set out in their Terms of Reference (which form part of the Council's Constitution).

- 7.2 If, at any time during a Meeting, a quorum is not present, the Mayor shall adjourn the Meeting:**
- 7.2.1 until enough Councillors are present;**
 - 7.2.2 until another time; or**
 - 7.2.3 until the next scheduled Council Meeting.**

APPOINTMENT OF SUBSTITUTE NON-EXECUTIVE COUNCILLORS

- 7.3 Substitutes may be appointed to any committee if Democratic Services are notified of the substitution by 4:30pm on the day of the committee, save for the exceptions in relation to planning and licencing committees as set out in c) below. Any substitution must reflect the political balance of the Council as set by Democratic Services and must be authorised by them as an appropriate substitute.**
- 7.4 The Councillor who has arranged an appropriate substitute Councillor for a committee, will be noted as having attended that committee via an appointed substitute.**
- 7.5 Substitutes cannot be appointed to the Cabinet.**
- 7.6 Where the membership of a political group (the term in this instance to include non-aligned Councillors) is three or fewer persons, then the substitution of members allocated to the committee may be appointed from another political group, provided the political profile of the committee is not altered whereby the majority group⁶ ceases to retain the majority of seats.**
- 7.7 Substitute Councillors will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the Councillor for whom they are substituting. For example, the duties of Chair or Deputy Chair.**
- 7.8 Any Councillor who is nominated as a substitute Councillor must have undertaken induction and training in the functions of that particular committee, and where specific training is provided to members of that committee, must have attended that training.**

⁶ or the administration if comprising an alliance of political groups.

- 7.9** Substitute Councillors may attend meetings in that capacity only, namely:
- (a) to take the place of the ordinary Councillor for whom they are the designated substitute;
 - (b) where the ordinary Councillor will be absent for the whole of the meeting; and
 - (c) in the case of Planning Committee after notifying the Chief Executive, or in their absence the Monitoring Officer, before the commencement of any site visit, and in the case of Licensing Committee after notifying the Chief Executive or in their absence the Monitoring Officer, by 4.30pm the day before the meeting of the intended substitution.

8 RECORD OF ATTENDANCE

- 8.1** The Borough Council's Democratic Services Department will record and monitor attendances in accordance with part 6 of the Constitution.

9 EXCLUDING THE PUBLIC

- 9.1** The Borough Council may only exclude members of the public for all or part of a Meeting under the Access to Information Rules.
- 9.2** The Mayor may only exclude members of the public for all or part of a Meeting under Rule 21 (*Public Disorder*).

10 DECLARATIONS OF INTEREST

- 10.1** When a Councillor has an interest in any business, the Councillor must declare that they have an interest, and the nature of that interest, before the matter is discussed, or as soon as the interest becomes apparent to them (if later), except in limited circumstances.
- 10.2** Even if the interest is on the Register of Interests, the Councillor must declare it in Meetings which discuss matters relating to that interest, unless a dispensation applies.

- 10.3** Councillors must comply with any obligation to withdraw from the Meeting room when a Meeting discusses matters relating to any of their interests.
- 10.4** Participation or involvement in any meeting by a Councillor who has a Pecuniary Interest in any business under consideration can constitute a criminal offence.
- 10.5** Interests and the rules concerning interests are specified in Part 5A of the Constitution (the Code of Conduct for Councillors).
- 10.6** Councillors should consult the Monitoring Officer if there are any issues relating to interests.

11 MINUTES

- 11.1** The Mayor will propose that the Council approve the minutes of previous Meetings. The Council shall not discuss the minutes other than to consider any motion solely disputing their accuracy.
- 11.2** When the Council has approved the minutes, the Mayor will sign them and initial each page.
- 11.3** The signed copies of the minutes will be kept in the official minute book which will be kept at the Council's offices. Any Councillor may inspect the official minute book during normal office hours.
- 11.4** Minutes shall be submitted to the next Annual or Ordinary Council Meeting (i.e. not to an Extraordinary Council Meeting).⁷

12 URGENT BUSINESS

- 12.1** The Council may deal with business even though it is not on the Agenda if that business is considered to be urgent.
- 12.2** Urgent business means business that requires the urgent attention of Council in connection with public health or safety or a financial or legal matter of significance to the Borough.

⁷Schedule 2 Local Authorities (Standing Orders) Regulations 1993

12.3 The procedure for urgent business is as follows:

12.3.1 the business is raised by a Motion on Notice under Rule 14 (*Motions on Notice*);

12.3.2 the Motion on Notice is delivered to the Proper Officer no later than midday on the Friday before the next meeting which falls on the Monday⁸;

12.3.3 the Mayor at the Meeting, or the Voting Councillors, decide that the business is urgent (see Rule 12.4); and

12.3.4 the agenda relating to the Meeting states that the Council may deal with urgent business at that Meeting.

12.4 If the Mayor at the Meeting decides that the Motion on Notice is not urgent, the Mayor shall refer it to the Voting Councillors. The Voting Councillors will then decide whether or not the Motion on Notice is urgent. If they decide that it is urgent, they will debate it under Rule 16 *Rules of Debate*. If they decide that the matter is not urgent, the motion shall be deferred to the next Annual or Ordinary Council Meeting (i.e. not to an Extraordinary Council Meeting).

13 REPORTS AND STATEMENTS TO COUNCIL

TYPES OF REPORT

13.1 The Leader of the Council, any Cabinet Member, the Chairman of any Overview and Scrutiny Committee, the Chairman of the Standards Committee, the Chief Executive or any Chief Officer may submit reports to the Council.

13.2 The Leader of the Council and each Cabinet Member may make Annual Statements on the Council's Policy Framework and intended actions to deliver the Council's Corporate Plan objectives for the following year.

13.3 The Leader of the Council or the relevant Cabinet Member shall make an annual statement on the Council's budget.

⁸ If a Council meeting takes place on a day other than a Monday, the Motion on Notice should be delivered to the Proper Officer one and a half working days before the meeting.

PRESENTING REPORTS

- 13.4** The author of a Report/Statement, or their representative, shall present it to Council.
- 13.5** The Council shall then debate the Report/Statement under Rule 16 (*Rules of Debate*).

14 MOTIONS ON NOTICE

GIVING NOTICE OF MOTION

- 14.1 Every motion to be proposed at a Meeting (other than those listed in Rule 15 (*Procedural Motions*)) must be in writing and signed by the Councillor giving notice of the motion and also the Councillor seconding the motion.
- 14.2 The Councillor must deliver the Motion on Notice to the Proper Officer at least seven clear working days before the Council Meeting (unless they give notice under Rule 12 (*Urgent Business*)).
- 14.3 A Councillor shall not propose more than two Motions on Notice at the same Meeting without the prior consent of the Mayor (or in their absence the Deputy Mayor).
- 14.4 Any Motion on Notice to remove the Leader of the Council during their term of office must be signed by at least one quarter of the total number of Council Members. The Motion on Notice must also propose the appointment of another Councillor to become the Leader of the Council.

SCOPE OF MOTIONS ON NOTICE

- 14.5 All Motions on Notice must be relevant to matters for which the Council has responsibility or which significantly affects Citizens within the Borough of East Staffordshire.
- 14.6 Motions on Notice must not propose the taking of an “Executive Decision” (as defined in the Council’s Constitution) unless that decision is outside the existing budget or policy framework.
- 14.7 Any Motion on Notice to rescind a resolution passed by the Council within the preceding six months must be signed by one third of the total number of Council members. When the Council has voted on any such Motion on Notice, no Councillor shall propose a Motion on Notice of similar intent within a further period of six months.

- 14.8 Where the Council has decided a Motion on Notice twice in the same way within the preceding twelve months, no Councillor shall propose a similar Motion on Notice until after the next Annual Council Meeting. The effect of this Rule shall not be evaded by proposing a Motion on Notice that is differently worded but which is in principle the same.
- 14.9 The Mayor's decision on the validity of Motions on Notice will be taken in consultation with the Proper Officer and shall be final.

CONSIDERING MOTIONS ON NOTICE

- 14.10 Council will consider Motions on Notice that comply with the requirements of this Rule at the next Annual or Ordinary Council Meeting unless the Councillor has, in writing, either withdrawn it or asked to move it at a later Meeting.
- 14.11 The summons for the Meeting shall include all Motions on Notice in the order they have been received together with the names of the Councillors proposing them.
- 14.12 With the consent of the Mover and Seconder, the Mayor may defer the debate of a Motion on Notice to the next Meeting.
- 14.13 Council will deal with Motions on Notice under Rule 16 *Rules of Debate*.

15 PROCEDURAL MOTIONS

PROCEDURAL MOTIONS NEEDING SECONDING

- 15.1 **The following Procedural Motions may be moved without notice and need to be seconded:**
- 15.1.1 **to appoint a Councillor to chair the Meeting in the absence of the Mayor and the Deputy Mayor;**
 - 15.1.2 **relating to the accuracy of minutes;**
 - 15.1.3 **to alter the order of business;**
 - 15.1.4 **to amend a motion (see Rule 16.18);**
 - 15.1.5 **to proceed to the next business;**

- 15.1.6 to vote on a motion following debate (this procedural motion can only be used after 60 minutes of debate);
- 15.1.7 to adjourn the debate;
- 15.1.8 to adjourn the Meeting;
- 15.1.9 to exclude the public in accordance with the Access to Information Rules;
- 15.1.10 to refer an item to the Cabinet, an Overview and Scrutiny Committee or another Committee or Panel;
- 15.1.11 to receive reports or adopt recommendations of the Cabinet, the Leader of the Council, Cabinet Members, Overview and Scrutiny Committees, other Committees or Panels or Officers and any resolutions following from them;
- 15.1.12 relating to urgent business under Rule 12;
- 15.1.13 to extend the length of a Meeting beyond three hours (see Rule 2.13);
- 15.1.14 to suspend a Rule.

PROCEDURAL MOTIONS NOT NEEDING SECONDING

- 15.2 Subject to paragraph 19, the following Procedural Motions may be moved without notice and do not need to be seconded:
 - 15.2.1 to prevent a named Councillor speaking further (see Rule 19.9);
 - 15.2.2 to exclude a named Councillor from the Meeting (see Rule 19.9).

16 RULES OF DEBATE

RESPECT FOR THE MAYOR

- 16.1 All Councillors must treat the Mayor with respect.
- 16.2 When the Mayor stands up during a debate, any Councillor then standing must immediately stop speaking and sit down and the Council must be silent.

MOVING MOTIONS

- 16.3 A Councillor shall move a motion before Council debates it.

- 16.4** Where a Councillor who has proposed a Motion on Notice is unable to attend the Meeting at which the Council is due to debate it, the Mayor may allow another Councillor to move it. For the avoidance of doubt, simply moving a Motion on Notice on behalf of another Councillor does not count as proposing a Motion on Notice for the restriction in Rule 14.3.
- 16.5** A Mover shall speak to the motion when they move it.
- 16.6** If a Councillor does not move a motion at a Meeting, Council shall treat it as abandoned, unless Council agrees to consider the motion at a later time when it can be formally moved.

SECONDING MOTIONS

- 16.7** Another Councillor shall second a motion before the Council debates it (other than a motion under Rule 19.9 (*Councillors' Conduct*)).
- 16.8** A Secunder may reserve their right to speak until later in the debate.
- 16.9** If a Councillor does not second a motion at a Meeting, Council shall treat it as abandoned.

ORDER OF SPEAKING

- 16.10** Councillors shall indicate that they wish to speak in any debate by raising a hand. The Mayor will normally call Councillors to speak in the order in which they have indicated. However, the Mayor's decision about the order of speaking is final.

SPEAKING TO A MOTION

- 16.11** When called by the Mayor, the speaker shall, stand to address Council unless otherwise prevented from doing so.⁹
- 16.12** No Councillor speech shall last more than ten minutes, unless the Mayor gives consent.
- 16.13** Speakers must direct their speech to the matter under debate.

⁹ Members of Committees, Sub-Committees and Panels shall sit when speaking.

- 16.14 The Chief Executive, the Chief Finance Officer and the Monitoring Officer shall have a right to speak at Meetings.**
- 16.15 The Mayor may allow other people to speak at a Meeting if they decide that it is likely to help the proper conduct of the business.**

INTERRUPTING A SPEAKER

- 16.16 Councillors shall not interrupt another speaker except to raise a Point of Order (see Rule 16.38).**

SPEAKING MORE THAN ONCE ON A MOTION

- 16.17 Councillors shall not speak more than once on the same motion, except:**
- 16.17.1 to move or speak once on a Procedural Motion (see Rule 15);
 - 16.17.2 to move or speak once on an Amendment (see Rule 16.18);
 - 16.17.3 to alter a motion (see Rule 16.33);
 - 16.17.4 to withdraw a motion (see Rule 16.34);
 - 16.17.5 to raise a Point of Order (see Rule 16.37);
 - 16.17.6 with the permission of the Mayor, to clarify any comments made;
 - 16.17.7 to exercise a Right of Reply under Rule 16.40;
 - 16.17.8 with the consent of the Mayor which may be given if they decide that it is likely to help the proper conduct of the business.¹⁰

AMENDMENTS

- 16.18 A Councillor wishing to propose an Amendment to a motion must notify the Mayor in writing and sign the Amendment. However, if a proposed Amendment is lengthy, complex, or for example proposes several recommendations, the proposing Councillor should have copies available for circulating so that other Councillors can consider the written Amendment in its entirety.**
- 16.19 Amendments must relate directly to the matter under debate.**

¹⁰ Members of Committees, Sub-Committees and Panels are able to speak more than once on each motion.

- 16.20** Amendments shall not negate the original motion by either being directly contradictory to it or by introducing a new motion, or have the potential to effect risk to the Borough Council.
- 16.21** The Proposer of the Amendment shall read out their Amendment and shall move it before the Council debates it.
- 16.22** The Proposer of the Amendment shall speak to the Amendment when they move it.
- 16.23** Another Councillor shall second the Amendment before the Council debates it.
- 16.24** The Secunder of the Amendment may reserve their right to speak until later in the debate on the Amendment.
- 16.25** Subject to Rule 16.26, only one Amendment may be moved and debated at a time although notice of further amendments may be given.
- 16.26** The Mayor may permit two or more Amendments to be moved and debated together (but not voted on) if they decide that it is likely to help the proper conduct of the business. In that case the Mayor, in consultation with the Monitoring Officer, shall decide the order of voting on the Amendments.
- 16.27** During a debate on an Amendment, Councillors must direct their speech to the Amendment(s) under debate.
- 16.28** At the end of a debate on an Amendment, the Mover of the original motion shall have a Right of Reply, but they shall not otherwise speak on the Amendment. The Proposer of the Amendment shall not have a Right of Reply.
- 16.29** After the Mover of the original motion has had their Right of Reply, the Council shall vote whether or not to accept the Amendment.
- 16.30** If the Council vote for an Amendment, the motion as amended by that Amendment shall become the substantive motion. The Mayor shall read out the substantive motion. Councillors may then debate the substantive motion and may propose other Amendments on it.
- 16.31** If the Council vote against an Amendment, the motion as it stood before that Amendment was moved shall remain the substantive motion. Councillors may then continue to debate the substantive motion and may propose other Amendments on it.

- 16.32** No amendment can be further debated once a debate on amending a motion has concluded. A debate has concluded once the Mover of the original motion has had their Right of Reply.

ALTERING AND WITHDRAWING MOTIONS

- 16.33** A Councillor may alter a motion, with the agreement of any seconding Councillor, of which they have given notice but which they have not yet moved if:

16.33.1 they have given a copy of the alteration to the Mayor in writing;

16.33.2 the alteration directly relates to the motion; and

16.33.3 Council gives consent, signified without discussion.

- 16.34** A Councillor who has moved a motion may, with the consent of the Seconder, withdraw it at any time before Council votes on it.

MOTIONS DURING DEBATE

- 16.35** When the Council is debating a motion, no other motion shall be moved except for a Procedural Motion.

- 16.36** If a Councillor proposes a Procedural Motion:

- to proceed to the next business;
- to vote on the motion;
- to adjourn the debate; or
- to adjourn the Meeting;

and the Mayor considers that the Council has sufficiently discussed the motion then being debated by the Council, the Mayor shall:

16.36.1 give the Mover of the original motion the Right of Reply (see Rule 16.40); and

16.36.2 then put the motion to the vote.

- 16.37** Otherwise, the Mayor shall ask whether the Procedural Motion is seconded and, if so, the Council shall vote on the Procedural Motion without discussing it.

POINTS OF ORDER

- 16.38** A Councillor may raise a point of order at any time and will stand when doing so. The Mayor will hear the Councillor immediately. A point of order may only relate to an alleged breach of these Council Rules or the law. The Councillor must first reference the Rule or law and then go on to explain the way in which they consider it to have been breached. The ruling of the Mayor on the matter will be final.
- 16.39** This Constitution has no provision for making a point of information and if a Councillor wishes to speak on a matter they will indicate their intention to speak in accordance with Rule 16.10.

RIGHT OF REPLY

- 16.40** The Mover of the original motion has a Right of Reply at the close of the debate.

TAKING THE VOTE

- 16.41** If the original motion has been amended, the Mayor shall read out the substantive motion immediately before the Council votes on it.
- 16.42** Once the Mover of the original motion has had a Right of Reply, the Council shall vote on the motion under Rule 17.
- 16.43** If a vote for a motion has been lost, the Mayor may proceed to the next item of business.

NO FURTHER DEBATE

- 16.44** Councillors shall not speak on a motion after the Council has voted on it where another item of business is being considered

17 VOTING

METHOD OF VOTING

- 17.1** Unless the Constitution provides otherwise, any matter will be decided by a simple majority of the Voting Councillors.

- 17.2** Except where a Recorded Vote is required as set out below, the method of voting at Meetings shall be by show of hands of the Voting Councillors.
- 17.3** During any Recorded Vote, Councillors shall state whether they are for, or against the motion or abstaining from voting.
- 17.4** If a Councillor who is entitled to vote decides not cast their vote or remains silent, this will be treated as an abstention.

RECORDED VOTES

- 17.5** Before the Council votes on a motion, one-fifth of the Voting Councillors, may ask for a formal recorded vote. In that case, the Mayor or the Proper Officer shall ask each Voting Councillor how they are voting. The Minutes shall record how each Voting Councillor voted or whether they abstained from voting.
- 17.6** Following their name being read out, Councillors are only permitted to say “For”, “Against” or “Abstain” and shall not use any other words.
- 17.7** Any vote on any decision (including a vote on any amendment(s)) related to either:
- 17.7.1 the making of a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992; or
 - 17.7.2 the issuing of a precept under Chapter 4 of Part 1 of the Local Government Finance Act 1992;
- shall be taken by way of a formal recorded vote taken and minuted in the same manner as a recorded vote under Rule 17.5 above.¹¹

CASTING VOTE

- 17.8** If there is an equal numbers of votes for and against a motion, the Mayor shall have a casting vote.

MINUTING VOTES

- 17.9** In respect of all matters voted on at the Meeting, which are not a formal recorded vote, the minutes will record the numerical breakdown of the votes and whether they

¹¹ As required under the Local Authorities (Standing Orders) (England) Regulations 2001 as amended.

abstained from voting. Formal recorded votes are governed by Rules 17.5 to 17.76 above and not by this Rule 17.98.

18 QUESTIONS BY COUNCILLORS

QUESTIONS ON REPORTS AT MEETINGS

- 18.1 Subject to Rule 16.17 (*Speaking more than once on a motion*), a Councillor may, without notice, ask the Mayor or a person presenting a Report/Statement any question(s) about the business then under debate.**
- 18.2 Every such question shall be answered without discussion (but the person to whom the question is addressed may decline to answer or may pass the question to be answered by another Councillor or Officer).**

QUESTIONS ON NOTICE AT FULL COUNCIL

- 18.3 A Councillor may ask a Responder any question relating to their specific area of responsibility on the Council by delivering a copy of the Question to the Proper Officer in writing at least seven clear working days before the Meeting.
- 18.4 The Proper Officer will review any such Question received prior to any Meeting to ensure it is relevant and appropriate.
- 18.5 Questions must not be defamatory, frivolous or offensive.
- 18.6 The Council will deal with Questions in the order in which the Proper Officer received them unless the Mayor decides otherwise.
- 18.7 The Responder shall:
- 18.7.1 answer the Question in writing;
 - 18.7.2 decline to answer the Question; if considered to fall within paragraph 18.5, or
 - 18.7.3 pass the Question to be answered by another Councillor or Officer in writing.
- 18.8 A Councillor may ask a Responder an urgent question relating to the business of the Council by delivering a copy of the Question to the Proper Officer in writing at least two hours before the start of the Meeting.
- 18.9 If the Mayor is satisfied that the matter is urgent, the Responder shall:

- 18.9.1 answer the Question orally or in writing;
 - 18.9.2 decline to answer the Question, if considered to fall within paragraph 18.5 or
 - 18.9.3 pass the Question to be answered orally or in writing by another Councillor or Officer.
- 18.10 If the Questioner receives an answer under Rule 18.7 or Rule 18.9 above, they may ask one supplemental question relating directly to the answer given.
- 18.11 A person who is asked a supplemental question shall:
- 18.11.1 answer the supplemental question orally or in writing;
 - 18.11.2 decline to answer the supplemental question; or
 - 18.11.3 pass the supplemental question to be answered orally or in writing by another Councillor or Officer.
- 18.12 There shall be no debate on Questions raised under Rule 18.

19 COUNCILLORS' CONDUCT

- 19.1 Councillors shall conduct debate politely and with due respect for others.**
- 19.2 Councillors shall address each other appropriately and with respect.**
- 19.3 Councillors shall not use foul or offensive language, personal insults, or display any unnecessary or offensive physical demonstration.**
- 19.4 Councillors shall not use or display any inappropriate, distracting or offensive sign or poster during a meeting.**
- 19.5 Other than for Council business, Councillors shall not use electronic personal devices during Council Meetings unless there is an absolute emergency and the Mayor is appropriately notified. The Councillor will then leave the Meeting having first obtained the permission of the Mayor.**
- 19.6 Councillors shall not conduct themselves in a way which obstructs Council business.**
- 19.7 Councillors shall not create any unnecessary distraction.**
- 19.8 While a Councillor is speaking, all other Councillors (except the Mayor) must remain seated and silent unless rising to make a Point of Order (see Rule 16.38).**

19.9 If during a Meeting any Councillor:

19.9.1 disregards the authority of the Mayor;

19.9.2 breaches the Rules; or

19.9.3 obstructs the business of the Council,

and following a Councillor being warned of their conduct to this effect, the Mayor or any other Councillor may move a motion 'To prevent that Councillor speaking further' or 'To exclude that Councillor from the Meeting', in either case, for the remainder of the Meeting or for such lesser period as may be specified in the motion. A motion under this Rule does not need to be seconded. Council shall immediately vote on the motion without discussing it.

19.10 If Council vote for the motion and a Councillor does not observe the decision of the Council, the Mayor may give such directions as they consider appropriate to remove the Councillor from the Meeting and to restore order.

19.11 If there is serious disorder or persistent disregard of the authority of the Mayor, the Mayor may, without prejudice to any other powers which they have, direct that the Meeting be suspended for such period as they consider desirable.

19.12 If a Councillor wishes to leave a Meeting, that Councillor must raise their hand and seek the permission of the Mayor.

20 REPORTING OF MEETINGS¹²

20.1 Meetings can be recorded and/or broadcasted and published on the Council's media channels.

20.2 While a meeting of the Council is open to the public, any person attending is to be permitted to report on the meeting. However, oral reporting or oral commentary on a meeting as it takes place is not permitted if the person reporting or providing the commentary is present at the meeting.

¹² Provisions to this effect are required by The Openness of Local Government Bodies Regulations 2014.

- 20.3** The Council will afford reasonable facilities to a person attending a meeting of the Council in England for the purpose of reporting on the meeting to enable them to do so.
- 20.4** Any person who attends a meeting of the Council for the purpose of reporting on the meeting may use any communication method, including the internet, to publish, post or otherwise share the results of the person’s reporting activities.
- 20.5** Publication and dissemination may take place at the time of the meeting or occur after the meeting.
- 20.6** For the purposes of this paragraph “reporting” means:
- 20.6.1** filming, photographing or making an audio recording of proceedings at a meeting;
 - 20.6.2** using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
 - 20.6.3** reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.

21 PUBLIC DISORDER

- 21.1** If a member of the public interrupts any Meeting, the Mayor shall warn that person in respect of their behaviour. If they continue to interrupt, the Mayor shall order them to be removed from the Meeting and may direct that they shall not be re-admitted for the remainder of the Meeting or such lesser period as the Mayor may specify.
- 21.2** In case of general disturbance in any part of the Chamber or Room set aside for the public, the Mayor shall order that that part shall be cleared and may adjourn the Meeting for such time as they consider desirable. If the Mayor considers it desirable, they may move the Meeting to another venue.

22 SUSPENDING AND AMENDING THESE RULES

- 22.1** Council may suspend any of these Rules, except:
- Rules 5.2 (approval of minute at extraordinary meetings);

- **Rule 11.4 (minutes shall be submitted to the next Annual or Ordinary Council Meeting) and;**
- **Rule 17.5 (Recorded votes)**
- **Rule 19 (Councillor conduct)**
- **Rule 21 (Public disorder)**
- **Rule Error! Reference source not found.**

but only to the extent permitted by law and only after the advice of the Monitoring Officer has been obtained.

- 22.2 A motion to suspend cannot be moved without notice unless half of the Councillors entitled to be present at the Council Meeting are present. The extent and duration of suspension must be proportionate to the result to be achieved, and shall only be for so long as is necessary to transact the particular item of business necessitating the suspension however the Council can only suspend any of these Rules for all or part of that Meeting.¹³**
- 22.3 Council may amend these Rules in consequence of a report for this purpose from the Chief Executive or the Monitoring Officer.

23 APPLYING THESE RULES TO OTHER MEETINGS

- 23.1 The Rules listed in Rule 23.2 shall apply to all other Meetings of the Borough Council's Committees, Sub-Committees, Panels and Cabinet in the same way as they do for Full Council Meetings except:**
- 23.1.1 references to "the Mayor" shall be construed as references to the Chairman of that Meeting;**
- 23.1.2 references to "the Deputy Mayor" shall be construed as references to the Vice-Chairman of that Meeting; and**

¹³ For Committees, Sub-Committees and Panels there is no minimum number of Councillors required to suspend the Rules.

23.1.3 references to “the Council” shall be construed, where appropriate, as references to that other Committee, Sub-Committee or Panel.

23.2 These are the Rules referred to in Rule 23.1:

23.2.1 Rule 1 (*Definitions*);

23.2.2 Rule 2.1 (*Time and place of Meetings*) except Meetings shall be at the time specified by the relevant Committee, Sub-Committee or Panel;

23.2.3 Rules 2.5 to 2.8 (*Notice of Meetings*) except the Proper Officer shall send an agenda by email instead of a summons by post;

23.2.4 Rule 2.9 (*Private business*);

23.2.5 Rules 2.10 and 2.11 (*Nature of business*);

23.2.6 Rule 2.12 (*Cancelling a Meeting*) except that the Proper Officer only requires the agreement of the Chairman of that Committee, Sub-Committee or Panel to cancel a meeting;

23.2.7 Rule 2.13 (*Length of Meetings*);

23.2.8 Rule 4 (*Ordinary Meetings*) (other than Rules 4.1.6, 4.1.8, 4.1.11 and 4.1.12);

23.2.9 Rule 6 (*Chairing Meetings*) (other than Rule 6.8);

23.2.10 Rule 7 (*Quorum*) save that the quorum for a Committee, Sub-Committee or Panel shall be as set out in their Terms of Reference (which form part of the Council’s Constitution);

23.2.11 Rule 8 (*Record of attendance*);

23.2.12 Rule 9 (*Excluding the public*);

23.2.13 Rule 10 (*Declarations of Interest*);

23.2.14 Rule 11 (*Minutes*);

23.2.15 Rule 12 (*Urgent business*);

23.2.16 Rules 13.1, 13.4 and 13.5 (*Reports and Statements to Council*);

23.2.17 Rule 15 (*Procedural Motions*)

23.2.18 Rule 16 (*Rules of Debate*) other than Rule 16.11 (members of Committees, Sub-Committees and Panels shall sit when speaking) and Rule 16.17

(members of Committees, Sub-Committees and Panels are able to speak more than once on each motion);

- 23.2.19 Rule 17 (*Voting*)** - subject to the caveat that Rule 17.8 applies to Cabinet, Scrutiny Committees, Licensing Committee (but not any Sub-Committees established by Licensing Committee) and Planning Committee. For all other Committees and Sub-Committees, immediately after a vote any Voting Councillor may request that the minutes of that Meeting record how that person voted or whether they abstained from voting.
- 23.2.20 Rules 18.1 and 18.2 (*Questions on Reports at Meetings*);**
- 23.2.21 Rule 19 (*Councillor's conduct*);**
- 23.2.22 Rule 20 (*Photography and audio/visual recording of Meetings*)**
- 23.2.23 Rule 21 (*Public disorder*);**
- 23.2.24 Rule 22.1 (*Suspending and amending these Rules*)** except there is no minimum number of Councillors required to suspend the Rules.

Appendix 1: Definitions

“Amendment” means an amendment to a motion (see Rule 16.18).

“clear working days” means complete days but excluding:

- the day on which notice is given;
- the day of the Meeting;
- weekends; and
- Bank Holidays.

“in writing” means in writing and delivered:

- by hand;
- by post; or
- by email from the Councillor’s Council email account.

“Meeting” means a meeting of the Council or the relevant Committee, Sub-Committee or Panel.

“Mover” means the Councillor who moves the motion.

“Procedural Motion” means a motion under Rule 15 (*Procedural Motions*).

“Proper Officer” means the officers designated in Part 3Zc of this Constitution.

“Questioner” means a Councillor who asks a question under Rule 18.3 or Rule 18.8 (*Questions on notice at Full Council*).

“Responder” means the Mayor, the Leader of the Council, any Cabinet Member, the Chairman of any Overview and Scrutiny Committee and Councillors appointed to serve on outside organisations, in each case in respect of their specific area of responsibility.

“Rules” means these Council Meeting Procedure Rules.

“Seconder” means the Councillor who seconds the motion.

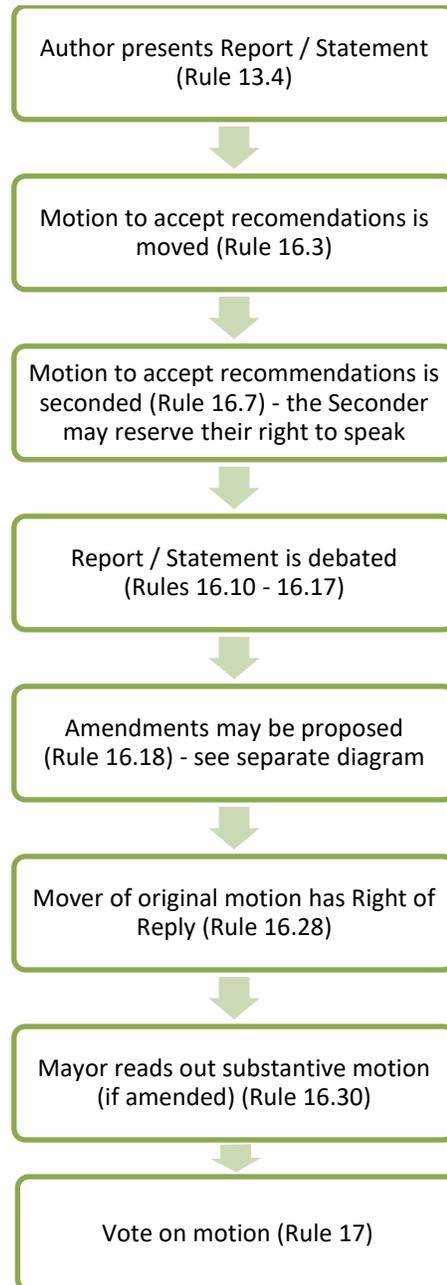
“signed by” includes (amongst other things) signing with an electronic signature on an email from that Councillor’s Council email account.

“Voting Councillors” means those Councillors who are entitled to vote and who are present at the time that the Mayor takes the vote.

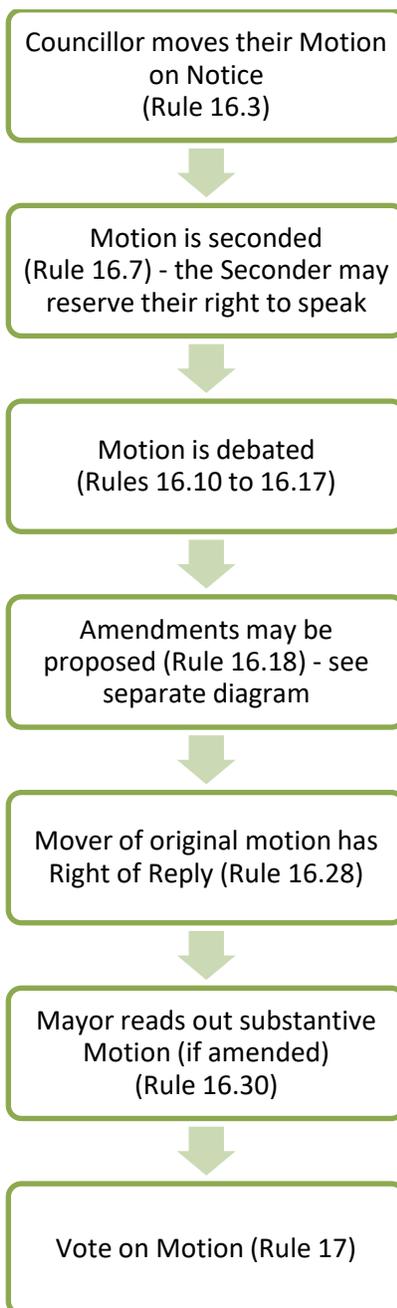
Appendix 2: Simplified diagrams

The following diagrams are provided to assist Councillors but do not affect the interpretation of the Rules which will always take priority.

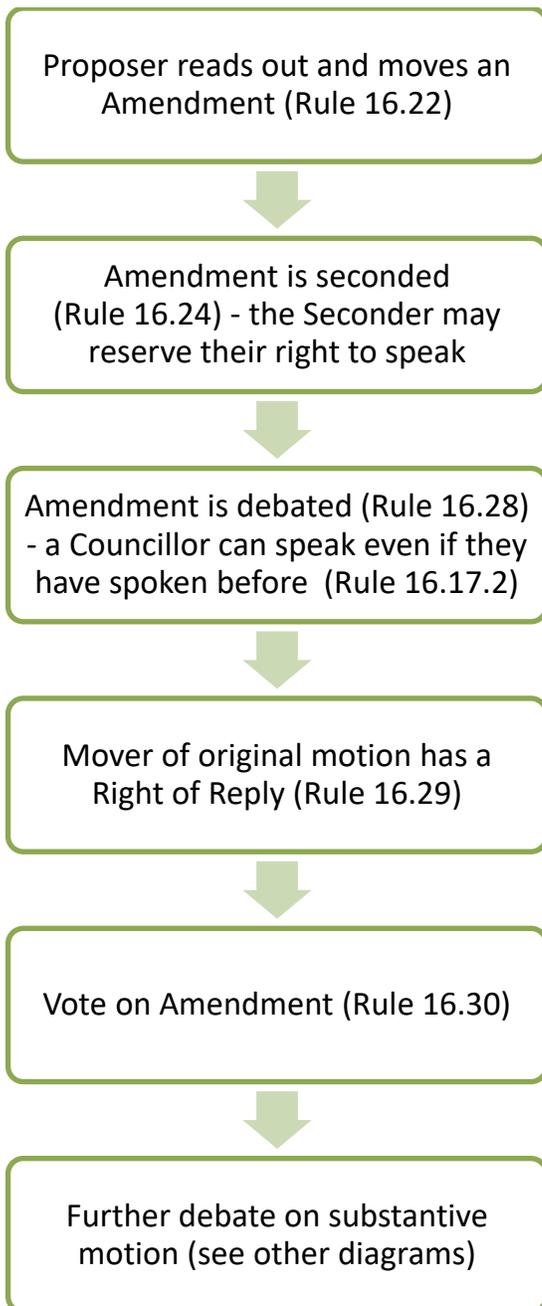
REPORTS AND STATEMENTS:



MOTIONS ON NOTICE (FULL COUNCIL ONLY):



AMENDMENTS:



QUESTIONS ON NOTICE (FULL COUNCIL ONLY):

Question is
asked in
writing
(Rule 18.3)



Response (if
any) is given
(Rule 18.7)