

## **A. COUNCIL PROCEDURE RULES**

### **CONTENTS**

#### **Rule**

- A1. Annual meeting of the Council
- A2. Ordinary meetings
- A3. Extraordinary meetings
- A4. Notice of and summons to meetings
- A5. Chair of meeting
- A6. Quorum
- A7. Duration of meeting
- A8. Questions by members
- A9. Motions on notice
- A10. Motions without notice
- A11. Amendments to motions
- A12. Alteration and withdrawal of motions
- A13. Motions which may be moved during debate
- A14. Rules of debate
- A15. Previous decisions and motions
- A16. Voting
- A17. Minutes
- A18. Record of attendance
- A19. Exclusion of public
- A20. Members' conduct
- A21. Disturbance by public
- A22. Suspension and amendment of Council Procedure Rules
- A23. Mayor, Deputy Mayor and Chair of Council Business
- A24. Council Urgency Procedure
- A25. Petitions

A26. Rules applying to committees

A26.2	Delegation to Committees and Sub-Committees
A26.6	Committee urgency procedure (including Area Councils)
A26.7	Attendance by Leader and Deputy
A26.8	Appointment of Substitutes
A26.9	Quorum (of Committees and Sub-Committees)
A26.10	Rules applying to Planning Committee
A26.11	Attendance at Committees
A26.12	Extraordinary Committee Meetings

A27. Disclosable pecuniary interests

## **A1. ANNUAL MEETING OF THE COUNCIL**

### **1.1 Timing**

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 April or May. The date and time of the annual meeting shall be agreed by, and may be changed with the consent of the Chief Executive.

### **1.2 Business**

The annual meeting will:

- (i) elect the Mayor;
- (ii) elect the Deputy Mayor;
- (iii) elect the Chair of Council Business (who shall act as the chair of the meeting instead of the Mayor) if required for the municipal year in question)
- (iv) agree the appointment of, or the process for the appointment of, one or more Vice Chairs of Council Business (if required for the municipal year in question)

[If a Chair of Council Business has been appointed the Mayor or Deputy Mayor shall then retire from the chair and the Chair of Council Business shall assume the chair for the remainder of the business]

- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Mayor, Leader of the Council and/or the Chief Executive;
- (vi) elect the Leader of the Council;
- (vii) (at the option of the Leader) receive a report from the Leader of the Council confirming the appointment of members of the Cabinet and the allocation of portfolio's;
- (viii) appoint such Committees and Sub-Committees as the Council considers appropriate (including at least one overview and scrutiny committee) and determine their size and terms of reference;
- (ix) decide the allocation of seats on Committees and Sub-Committees in accordance with the political balance rules and appoint each Committee and Sub-Committee, including the Chair and Vice Chair;
- (x) make appointments to outside bodies where this is the responsibility of the Council;
- (xi) agree the scheme of delegation of non-executive functions;
- (xii) if Council wishes, agree a protocol for the conduct of ordinary meetings of the Council
- (xiii) approve a programme of ordinary meetings of the Council for the year;
- (xiv) consider any other business set out in the notice convening the meeting.

## **A2. ORDINARY MEETINGS**

### **2.1 Timing**

Ordinary meetings shall be held at the dates and times agreed at the annual meeting. The date and time of an ordinary meeting may be changed with the consent of the Chief Executive.

### **2.2 Business**

Subject to Rule 2.3, ordinary meetings will:-

- (i) elect a person to preside in the absence of the Mayor and Deputy Mayor (or Chair and Vice Chair(s) of Council Business if appointed for the municipal year in question):
- (ii) receive any declarations of interest and apologies for absence from members;
- (iii) receive any announcements from the Mayor, Leader, or the Chief Executive;

[If a Chair of Council Business has been appointed the Mayor or Deputy Mayor shall then retire from the chair and the Chair of Council Business shall assume the chair for the remainder of the business]

- (iv) approve the minutes of the last meeting;
- (v) deal with any business from the last Council meeting;
- (vi) hold a Question Time with questions limited to the functions of the Council (which will last for up to 30 minutes).

Questions for the Leader of the Council, a member of the Cabinet or a committee chair may be submitted by councillors or members of the public.

Questions must be submitted in writing or by electronic mail to the Chief Executive at least five clear days in advance of the meeting and must be received by twelve noon on the last day for receipt of the question. "Clear days" means working days and excludes the day the question was received and the day of the meeting.

Questions will be set out in the agenda for the meeting

Questions will be put by the chair of the meeting and will be taken in the order in which they are received by the Chief Executive and will receive an oral answer. Questions that cannot be put within the allotted time will receive a written answer within 10 working days.

A member may put only one question to each meeting, except with the consent of the Chair, but may ask a question may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

Each question submitted by a member of the public must give the name and address of the questioner. A member of the public may put only one question to each meeting, except with the consent of the Chair.

The Chief Executive or the Mayor (as chair of the Council) may reject a question if it:

- i) is not about a matter for which the Council has a responsibility or which affects Hyndburn
- ii) is defamatory, frivolous or offensive
- iii) is substantially the same as a question which has been put at a meeting of the Council in the last 6 months
- iv) requires the disclosure of confidential or exempt information

Questions must, in the opinion of the Chief Executive contain no expression of opinion.

- (vii) consider any business requiring a Council decision and specified in the summons to the meeting
- (viii) receive any petitions for debate in accordance with the Council's Petitions Scheme
- (ix) receive a report from a Cabinet member in respect of his / her portfolio area. The Cabinet member will be allowed up to 10 minutes to present the report, then up to 10 minutes will be allowed for questions, then the Leader may comment on the report for up to 5 minutes and then the Cabinet member will have up to 5 minutes to sum up.
- (x) receive the minutes of Cabinet for information and comment only. The minutes will be moved and seconded. Cabinet members may respond to any points raised in debate and will be allowed up to 5 minutes each. At the end of the debate the Leader will have up to 15 minutes to comment and answer any questions raised on the Cabinet minutes;
- (xi) receive the minutes of the Council's committees for information and comment only. The Leader will introduce the minute book as a whole. The chair of the relevant Committee may respond to any points raised in the debate and the Leader will close the debate.
- (xii) consider motions of which notice has been given under Rule A9;
- (xiii) receive a report from the chair of the Overview and Scrutiny Committee in respect of the Committee's activities. The chair will be allowed up to 5 minutes to present his / her report, then up to 5 minutes will be allowed for questions and the chair will then be allowed up to 5 minutes to sum up;
- (xiv) receive an MP's report (up to 15 minutes)
- (xv) receive a presentation from an external speaker at the invitation of the Chief Executive, in consultation with the Leader of the Council and Mayor (up to 15 minutes), followed by a question and answer session, up to 15 minutes, with provision to extend the time, with the consent of the meeting.
- (xvi) consider any other item of business which in the opinion of the chair of the meeting must be considered as a matter of urgency.

### 2.3 **Budget Council meeting**

The meeting of the Council designated as the budget council meeting shall deal with the following items of business:

- a. items (i) to (iv) in Rule 2.2 above

- b. the Council's prudential indicators and treasury management strategy for the next following financial year
- c. the Council's medium term financial strategy
- d. proposals for the Council's revenue budget and capital programme for the next following financial year

and no additional item of business shall be considered without the agreement of the Chief Executive (following consultation with the Leader of the Council and the leader of the main opposition group) that the item is urgent and cannot reasonably wait until the next scheduled ordinary meeting of the Council.

#### 2.4 **Variation of order of business**

The chair of the meeting may, particularly if members of the public are present, make any necessary introductions and explanations. Business falling under (i) - (iv) above shall not be displaced but otherwise order of other items may be varied

- by the chair at his or her discretion; or
- by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

### **A3. EXTRAORDINARY MEETINGS**

#### 3.1 **Timing**

Those listed below may request the Chief Executive to call an extra-ordinary meeting of the Council at any time:-

- (i) the Mayor;
- (ii) the Leader;
- (iii) any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition; and
- (iv) the Monitoring Officer or Section 151 Officer pursuant to their statutory powers.

#### 3.2 Any call for an extra-ordinary meeting should be in writing and must specify the business for which it is called and be signed by the person(s) making the request.

On receiving a call for an extra-ordinary meeting the Chief Executive will summon a meeting in accordance with Rule A4 only if s/he is satisfied that the proposed business is genuinely urgent and cannot reasonably wait until the next scheduled ordinary meeting of the Council.

#### 3.3 **Business**

The summons to all extraordinary meetings shall set out the business to be considered and no business other than that set out in the summons may be considered at that meeting,

except that the chair may in his absolute discretion permit other items of business to be considered for the efficient discharge of the Council's business.

#### **A4. NOTICE OF AND SUMMONS TO MEETINGS**

The Chief Executive will give notice to the public of the time and place of any meetings of Council in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him or her by an appropriate method. If the member has given consent for the summons to be transmitted in electronic form, it will be sent by email to the member's designated email address. Otherwise, the summons will be posted to, or left at, the member's usual place of residence, or at an address specified by him or her. 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.

"Clear days" means working days and excludes the day the notice is given and the day of the meeting

#### **A5. CHAIR OF MEETING**

- 5.1 The person presiding at the meeting may exercise any power or duty of the chair.
- 5.2 Whenever the chair speaks during a meeting a member then speaking shall be silent.
- 5.3 The ruling of the chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion. Members raising a point of order must when doing so indicate which Procedure Rule or law they believe has been broken
- 5.4 The ruling of the chair as to the construction or application of any of these Rules, or on any issue (whether or not specifically regulated by these Rules) arising out of the proceedings at a meeting, shall not be challenged.
- 5.5 If no Chair of Council Business has been appointed for the municipal year in question, the Mayor will preside over Council meetings. In the absence of the Mayor, the Deputy Mayor shall preside. If both the Mayor and the Deputy Mayor are absent the Council will select another member to preside at the meeting.

If a Chair of Council Business has been appointed for the municipal year in question, the Mayor shall preside over the civic part of the agenda and the Chair of Council Business will preside over the business items on the agenda, in accordance with Rules 1.2 and 2.2. If the Chair of Council Business is absent a Deputy Chair of Council Business will preside in his or her place. If all are absent the Council will select another member to preside.

#### **A6. QUORUM**

- 6.1 The quorum of a meeting will be one quarter of the whole number of members.
- 6.2 If during any meeting of the Council or a Committee the chair after counting the number of members present declares that there is not a quorum present the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the chair at the time the meeting is adjourned, or, if he or she does not fix a time, to the next ordinary meeting of the Council or Committee.

## **A7. DURATION OF MEETING**

Unless the majority of members present vote for the meeting to continue, all Council meetings shall adjourn at 10.00 pm. Subject to paragraph 9.6, remaining business will be considered at a time and date fixed by the chair and, if he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **A8. QUESTIONS BY MEMBERS**

### **8.1 On reports and minutes**

A member of the Council may ask the Leader any question without notice upon an item in a report of the Cabinet when that item is being received or is under consideration by the Council and may ask the chair of a Committee any question without notice upon an item in a report from that Committee when that item is being received or is under consideration by the Council.

A member of the Council may ask the Leader of the Council any question without notice arising out of minutes of meetings of the Cabinet when those minutes are being received by the Council and may ask the Chair of a Committee any question without notice arising out of the minutes of that Committee when those minutes are being received by the Council

## **A9. MOTIONS ON NOTICE**

### **9.1 Notice**

Except for motions which can be moved without notice under Rule A10, written notice of every motion must:

- a) be signed by the members of the Council giving the notice and each notice of motion must be given by a proposer, a seconder and three other members of the Council ; and
- b) be delivered to the Chief Executive not later than 5 clear days before the date of the meeting and be received by twelve noon on the last day for receipt of the motion.

These will be entered in a book open to public inspection.

“Clear days” means working days and excludes the day the notice is given and the day of the meeting

### **9.2 Scope**

Motions must be about matters for which the Council has a responsibility .

A motion cannot:

- (i) Ask the Council to take an executive decision; or
- (ii) Ask the Council to approve or amend a policy falling within the Council’s policy framework unless the requirements of the Budget and Policy Framework Procedure Rules have been complied with in respect thereof;
- (iii) Ask the Council to take a decision without the benefit of advice on the technical, operational, legal, financial, staffing and / or equalities implications of the decision where, in the opinion of the Chief Executive, such advice is required in respect of at least of these issues to enable the Council to take a lawful decision (and such motions shall be deferred to the next meeting of the Council to enable such advice to be given).



### 9.3 **Motion set out in agenda**

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

### 9.4 **Motions not moved**

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

### 9.5 **Automatic reference to Committee**

The following procedure shall apply where the subject matter of any motion of which notice has been given comes within the terms of reference of a committee.

After being moved and seconded, the notice of motion shall be referred without discussion to that committee unless the chair (at his/her discretion) considers it convenient and conducive to the despatch of business to allow the motion to be dealt with at the meeting at which it is brought forward.

### 9.6 **Timing of debate on motions**

Each motion shall be debated for no more than 20 minutes before being put to the vote.

No more than one and a half hours in totality shall be allowed at each Council meeting for the debate of the motions on the agenda. Any motions not debated by the close of the meeting shall be treated as withdrawn and shall not be moved without fresh notice.

## **A10. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body, committee or individual;
- (e) to appoint a Committee, working group or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;

- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 10.00 pm;
- (n) to suspend a particular council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule A20.4 or to exclude them from the meeting under Rule A20.4;
- (q) to give the consent of the Council where its consent is required by this Constitution;
- (r) to extend the time limit for speeches.

#### **A11. AMENDMENTS TO MOTIONS**

- (1) An amendment to a motion must be relevant to the motion and will either be:
  - (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (b) to leave out words;
  - (c) to leave out words and insert or add others; or
  - (d) to insert or add words;
 as long as the effect of (b) to (d) is not to negate the motion.
- (2) Usually only one amendment may be moved and discussed at a time. However the chair may permit two or more amendments to be discussed together (but not voted upon) if he or she considers that this would allow the Council's business to be dealt with more effectively.
- (3) If an amendment is lost, other amendments may be moved on the original motion. If an amendment has been carried the motion as amended takes the place of the original motion. The Chair shall read out the amended motion before accepting any further amendments. No further amendment may be moved that would have the effect of reviving the original motion.

#### **A12. ALTERATION AND WITHDRAWAL OF MOTION**

- (a) The mover of a motion may with the consent of the meeting alter the motion if it has not yet been seconded. The meeting's consent will be signified without discussion.
- (b) The mover of a motion may alter a motion which he/she has moved and which has been seconded with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

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

### **A13. MOTIONS WHICH MAY BE MOVED DURING DEBATE**

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

- (i) to withdraw a motion;
- (ii) to amend a motion;
- (iii) to proceed to the next business;
- (iv) that the question be now put;
- (v) to adjourn a debate;
- (vi) to adjourn the meeting;
- (vii) that the meeting continue beyond 10.00 pm
- (viii) to exclude the public and press in accordance with the Access to Information Rules; and
- (ix) to not hear further a member named under Rule A20.3 or to exclude them from the meeting under Rule A20.4.

### **A14. RULES OF DEBATE**

#### **14.1 No speeches until motion or amendment moved and seconded**

A motion or amendment shall not be debated unless it has been moved and seconded

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

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

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

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

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

Speeches must be directed to the question under discussion or to a personal explanation or point of order. Subject to Rule A2.2, no speech may exceed 10 minutes in the case of a mover of a motion and 5 minutes in all other cases, except by the consent of the chair.

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

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

- (i) to speak once on an amendment moved by another member;
- (ii) to move a further amendment if the motion has been amended since he/she last spoke;
- (iii) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (iv) in exercise of a right of reply;
- (v) on a point of order in accordance with Rule A14.8;
- (vi) by way of personal explanation in accordance with Rule A14.9;
- (vii) to answer a question raised by the chair or Chief Executive;
- (viii) to request the chair for clarification of a procedural issue related to the debate.

#### 14.6 **Right of reply**

- (i) 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.
- (ii) 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.
- (iii) The mover of the amendment has no right to reply to the debate on his or her amendment.

#### 14.7 **Closure motions**

- (i) A member may move, without comment, the following motions at the end of a speech of another member;
  - (a) to proceed to the next business;
  - (b) that the question be now put;
  - (c) to adjourn the debate; or
  - (d) to adjourn the meeting.
- (ii) If a motion to proceed to next business is seconded and the chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (iii) If a motion that the question be now put is seconded and the chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

- (iv) If a motion to adjourn the debate or to adjourn the meeting is seconded and the chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### **14.8 Point of order**

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

#### **14.9 Personal explanation**

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

### **A15. PREVIOUS DECISIONS AND MOTIONS**

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

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

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

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

NB: this Rule 15 does not apply to any motion to remove or change the Leader of the Council

### **A16. VOTING**

#### **16.1 Majority**

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

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

If there are an equal number of votes for and against, the chair (or vice chair in the chair's absence) will have a second or casting vote. There will be no restriction on how the chair (or vice chair in the chair's absence) chooses to exercise a casting vote. In the absence of

the chair and vice chair, the chair of the meeting shall have a second or casting vote and there shall similarly be no restriction on how this is exercised.

### **16.3 Show of hands**

Unless a ballot or recorded vote is demanded under Rules A17.4 and A17.5, the chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **16.4 Ballots**

The vote will take place by ballot if one third of the members present at the meeting demand it. The chair will announce the numerical result of the ballot immediately the result is known.

### **16.5 Recorded vote**

If six members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

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

Where any member requests it immediately after a 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.

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

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

For the purposes of this rule:

- (a) “budget decision meeting” means a meeting of the Council at which it –
  - (i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992(a); or
  - (ii) issues a precept under Chapter 4 of Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting; and
- (b) references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.”;

### **16.8 Voting on appointments**

- (i) 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.

- (ii) The chair of the meeting may if there are a large number of appointments to be made suggest that the procedure outlined in (1) above be dispensed with and that where there are more than two persons nominated the number of votes for each person nominated be recorded and that the person with the highest number of votes be appointed. If no member objects to this procedure it shall be adopted in preference to (1) above. If this procedure is adopted and two or more persons secure the highest number of votes and the chair does not exercise a casting vote, any person nominated who secured a lower number of votes shall be struck off the list and a fresh vote taken.

## **A17. MINUTES**

Minutes of meetings of Cabinet and Committees are presented to Council meeting for information as a basis for questioning and comment. There is no need for any motion or vote to receive them.

The chair will sign the minutes of the previous meeting as a correct record and the only part of the minutes that can be discussed is their accuracy.

## **A18. RECORD OF ATTENDANCE**

All members 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.

## **A19. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule A21 (Disturbance by Public).

## **A20. MEMBERS' CONDUCT**

### **20.1 Standing to speak**

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

### **20.2 Chair standing**

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

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

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

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

If a member continues to behave improperly after a motion is carried under Rule A20.3, the chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

#### **20.5 General disturbance**

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

### **A21. DISTURBANCE BY PUBLIC**

#### **21.1 Removal of member of the public**

If a member of the public interrupts proceedings, the chair will warn the person concerned. If they continue to interrupt, the chair may order their removal from the meeting room.

#### **21.2 Clearance of part of meeting room**

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

### **A22. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

#### **22.1 Suspension**

All of these Council Rules of Procedure except Rule A16.6 may be suspended by motion on notice or without notice if at least one half of the members present at the meeting vote in favour. Suspension can only be for the duration of the meeting.

#### **22.2 Amendment**

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

### **A23. MAYOR AND DEPUTY MAYOR**

#### **23.1 Mayor**

- (i) The Mayor shall, unless he or she resigns or becomes disqualified, continue in office until his or her successor becomes entitled to act as Mayor.
- (ii) All members of the Council shall be eligible to stand for election as Mayor irrespective of membership or non-membership of any political group but no member may stand for a second consecutive term as Mayor.
- (iii) In the event of the Mayor resigning or becoming disqualified during his or her term of office a successor shall be appointed at the next ordinary meeting of the Council or at an extraordinary meeting convened for that purpose and shall continue in office for the remainder of his or her predecessor's term of office. This period in



office shall not preclude the successor from standing for election at the next following Annual Meeting.

- (iv) The Mayor shall have precedence in the Borough, but not so as to prejudicially affect Her Majesty's royal prerogative. The Mayor shall, unless the Council shall have decided otherwise represent or arrange the representation of the Council on all state, civic or formal occasions.

### **23.2 Deputy Mayor**

- (i) The Deputy Mayor shall, unless he or she resigns or becomes disqualified, continued in office until his or her successor becomes entitled to act as Deputy Mayor.
- (ii) All members of the Council shall be eligible to stand for election as Deputy Mayor irrespective of membership or non-membership of any political group but no member may stand for a second consecutive term as Deputy Mayor.
- (iii) In the event of the Deputy Mayor resigning or becoming disqualified during his or her term of office a successor shall be appointed at the next ordinary meeting of the Council or at an extraordinary meeting convened for that purpose and shall continue in office for the remainder of his or her predecessor's term of office. This period of office shall not preclude the successor from standing for election at the next following Annual Meeting.
- (iv) The Deputy Mayor shall assist the Mayor as requested and shall if necessary assist the Mayor in representing the Council on state, civic or formal occasions.

### **23.3 Mayoress and Consort**

No-one may serve as mayoress and / or mayor's consort whilst they are the leader or deputy leader of a political group represented on the Council.

### **23.4 Nature of the Role**

The role of the Mayor (and Deputy Mayor) is strictly a non-political one and all councillors will respect the Mayor (and Deputy Mayor's) neutral position. For example, the Mayor (or Deputy Mayor) will maintain an apolitical stance when chairing Council meetings and will allow different opinions to be fully and fairly represented and debated subject to the requirements of these Procedure Rules.

## **A24. COUNCIL URGENCY PROCEDURE**

Decisions within the terms of reference of the Council that cannot be deferred until the next scheduled ordinary meeting of the Council by reason of urgency may be taken by the Chief Executive under delegated powers following consultation with the following:

- (a) the Leader and Deputy Leader of the Council; and
- (b) the Leader and Deputy Leader of the political group with the next largest number of seats after the controlling group

provided that the Chief Executive may not exercise such delegated powers in respect of a decision for which an extraordinary meeting of the Council has been requested pursuant to Rule A3, even if the request for an extraordinary meeting is declined pursuant to Rule A3.2.

## **A25. PETITIONS**

At any one meeting of the Council no person may present more than one petition.

The following shall apply where a petition is referred to Council by the Leader of the Council or the Chief Executive:

- (i) the organiser of the petition (or their nominee) may speak for up to 5 minutes to present the petition to the Council
- (ii) the petition may then be debated for up to 20 minutes
- (iii) Leader of the Council will then have up to 5 minutes to sum up following the petition debate

The Council will decide how to respond to the petition at the meeting. Such response may include:

- i) taking the action the petition requests
- ii) declining to take the action the petition requests
- iii) requesting further investigation into the matter
- iv) making recommendations to Cabinet where the matter relates to an executive decision

The petition organiser will receive written confirmation of this decision.

## **A26. COMMITTEES**

### **Application to Committees and Sub-Committees**

- 26.1 Only Rules A2.3, A3.3, A5.2-5.4, A6.2, A8.1, A16-22.1 (but not Rule A20.1) and A26 apply to meetings of committees and sub-committees. Rules A16.5 and A16.6 shall not apply to the Planning Committee, Judicial Committee and Licensing Committee

### **Delegation to Committees and Sub-Committees**

- 26.2 Matters delegated to a particular Committee or Sub-Committee will, in the absence of any contrary provision, and subject to Rule A26.3 below, be actionable immediately upon the committee granting the approval
- 26.3 Any item may be referred to the next meeting of the Council where either:
- (a) not less than 4 members of the committee (including the proposer and any member attending as a substitute) vote at the meeting to request a reference to Council; or
  - (b) not less than 7 members of the Council (in any combination of committee / non-committee members) submit a signed resolution addressed to the committee chair requesting a reference to Council
- 26.4 If a resolution under Rule A26.3 is carried, no action may be taken until the Council has considered the item. This is a request for "Reference to Council" and must be made before the item of business is discussed
- 26.5 The Council may, if appropriate, refer the issue back to the Committee or Sub-Committee for decision.
- 26.6 **Committee urgency procedure**

Decisions within the terms of reference of a Committee or Sub-Committee which cannot be deferred until the next scheduled meeting of the Committee or Sub-Committee by reason of urgency may be taken by the Chief Executive (or the Deputy Chief Executive if the Chief

Executive is unavailable or unable to act) under delegated powers following consultation with the chair and vice chair of the Committee or Sub-Committee, plus the main spokesperson for each political group represented on the Committee or Sub-Committee.

#### 26.7 **Attendance by Leader and Deputy**

The Leader and Deputy Leader of the Council may attend meetings of all Committees and Sub-Committees where this is permitted by law and may address the meeting once without leave and thereafter only with the consent of the chair of the meeting.

#### 26.8 **Appointment of Substitutes**

The following rules shall apply so as to permit the substitution of reserve members for members who are unable to attend Committee meetings.

- a The Council shall, when appointing Committees, appoint to each of them reserve members who may act as members of a Committee only when nominated in accordance with these rules, provided that no reserve members may be appointed in respect of the Standards Committee.
- b The reserve members shall be divided into lists for each Committee which shall include all members of the Council not serving on that particular body.
- c A member of a Committee shall, if he wishes a reserve member to attend a meeting of that committee in his or her place, give the Chief Executive written or oral notice before the time arranged for the start of that meeting that he or she is unable to attend and that the reserve member named in the substitution notice or orally will attend in his or her place.
- d The effect of such substitution notices shall be that the member giving the notice shall cease to be a member of that committee for the duration of that meeting and for the duration of any adjournment of it, and that the reserve member shall be a full member of the committee for the same period.
- e A written or oral substitution notice, once given in respect of a meeting of a committee, may not be revoked in respect of such meeting, or any adjournment of it.
- f The member giving notice under (c) above shall be responsible for notifying the relevant reserve member of the substitution and for passing on the relevant agenda and reports.
- g A reserve member arriving during the course of a committee or sub-committee meeting may take part in the meeting but may only vote on items for which they have been present throughout. The reserve member must declare themselves as such upon arrival at the meeting and must confirm the name of the member for whom they acting as a reserve member.

#### 26.9 **Quorum**

Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the whole number of the committee is present.

Provided that in no case shall the quorum of a Committee be less than four members, except in the case of the Audit Committee, the Judicial Committee (Private Hire and Hackney Carriage Licensing), the Management Review Committee and the Standards Committee where the quorum shall be not less than 3 members.

## 26.10 Rules applying to Planning Committee

The public shall have the right to address the Planning Committee in respect of individual planning applications subject to the following rules:

- 26.10.1 The number of members of the public speaking in respect of each major planning application (as defined by Regulations) shall be limited to two on behalf of the applicant / agent for the applicant and two others;
- 26.10.2 The number of members of the public speaking in respect of any other planning application shall be limited to one on behalf of the applicant / applicant's agent and one other;
- 26.10.3 In addition to the above, Ward Councillors (who are not members of the Planning Committee) will be given the right to speak on a planning application in their ward or township of which their ward forms part, and will be allowed up to five minutes. These rights are subject to the Ward Councillor's obligations under the Code of Conduct, whereby if he/she has a disclosable pecuniary interest in the application, he/she will be unable to speak (unless he/she has obtained a dispensation from Standards Committee).
- 26.10.4 Each person addressing the Planning Committee pursuant to Procedure Rules 26.10.1 to 26.10.3 above may speak for up to five minutes only and they shall be invited to do so by the Chair immediately after the application has been presented to the Committee by the planning officer and they shall speak in the following order:
- “other” speaker
- applicant / applicant's agent
- 26.10.5 Applications to address the Planning Committee shall be allocated on a first come first served basis prior to the meeting of the Planning Committee and only those whose names have been notified to the Chair at the start of the meeting of each Committee shall be permitted to speak

## 26.11 Attendance at Committees

A member of the Council may attend as an observer any meeting of a committee of which he or she is not a member. He or she may not engage in debate or discussion or vote, but may speak by way of explanation on any matter of which the chair has been previously notified.

## 26.12 Extraordinary Committee Meetings

- (i) The chair of a committee may call an extraordinary meeting of the committee at any time;
- (ii) An extraordinary meeting of a committee shall also be called by the Chief Executive on the requisition of a quarter of the total membership of the committee or four members whichever is greater.
- (iii) The summons to the special meeting will set out the business to be considered and no other business other than that set out in the summons may be considered at the meeting.

## **A27. DISCLOSABLE PECUNIARY INTERESTS**

A member of the Council with a disclosable pecuniary interest in any matter to be considered, or being considered, at a meeting of the Council, or Cabinet, or a committee, sub-committee, joint committee or joint sub-committee of the Council, shall withdraw from the room where the meeting is being held whenever it becomes apparent that the matter in which the member has a disclosable pecuniary interest is being considered unless the member has obtained a dispensation from the Council's Standards Committee.