

**COUNCIL PROCEDURE RULES**

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## 1. ANNUAL MEETING OF THE COUNCIL

- 1.1 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 normally take place in May but may, if the Council so agrees, take place in March or April.
- 1.2 Other than in a year when there is an ordinary election of Councillors, an extraordinary meeting of the Council shall be held in accordance with Council Procedure Rule 4.3, commencing at 7:30pm, and the Annual meeting shall commence immediately following the conclusion of that extraordinary meeting. In the year of an election, there shall be no extraordinary meeting by Council Procedure Rule 2(d) shall apply.
- 1.3 The business of the Annual Meeting shall be to:
  - (a) choose a Member to preside if the outgoing Mayor is not present and to receive apologies for absence;
  - (b) elect the Mayor of the Borough for the forthcoming municipal year and receive notice of the appointment of the Deputy Mayor;
  - (c) approve the minutes of the last meeting and of any subsequent extraordinary meeting;
  - (d) receive any declarations of interest from members
  - (e) receive any announcements from the Mayor and/or Chief Executive;
  - (f) in a year when there is an ordinary election of Councillors, elect the Leader of the Council, and receive notice of the appointment of the Deputy Leader of the Council and the Members of the Cabinet
  - (g) appoint the Overview and Scrutiny Board or Sub-Committees and any such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions; appoint their Chairmen and Vice Chairmen; and appoint the following seven Champions:
    - (i) for Diversity
    - (ii) for the Historic Environment
    - (iii) for the Over Fifties
    - (iv) for Standards
    - (v) for the Voluntary Sector Compact
    - (vi) for Younger Persons
    - (vii) for Armed Forces veterans

(h) To receive an annual statement by the Leader of the Council relating to any aspect of the Council policy or in respect of any issue affecting the Council or the borough.

1.4 The Initial, Revised and Final Agendas for the Annual Meeting, and any papers or other submissions for consideration at that meeting, shall be delivered in accordance with Timetable 1 appended to these Rules.

## **2. ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided by the Council at the last ordinary meeting of the preceding municipal year. Ordinary meetings will:

- (a) choose a Member to preside if the Mayor is absent and to receive apologies for absence;
- (b) approve the minutes of the last meeting and of any subsequent extraordinary meeting;
- (c) receive any declarations of interest from members;
- (d) at the first ordinary meeting after the Annual Meeting immediately following an ordinary election of Councillors, consider whether to:
  - (i) confer on any former Member who has rendered eminent service to the Council the office of Honorary Alderman;
  - (ii) to present to any other Member a certificate of service; and
  - (iii) confer on any person of distinction or who has rendered eminent service to the borough the Honorary Freedom of the Borough
- (e) receive any announcements from the Mayor, the Leader of the Council and/or the Chief Executive;
- (f) receive any petitions pursuant to rule 14;
- (g) receive and consider the following business, in the order indicated:
  - (i) recommendations from the Cabinet and the Council's committees;
  - (ii) reports of the Chief Executive, Monitoring Officer or Chief Finance Officer;
  - (iii) proposals from the Cabinet in relation to the Council's budget and policy framework;
  - (iv) reports of the Overview and Scrutiny Board and/or the Member Champions;
  - (v) any statutory or other plans submitted for the Council's approval;

- (vi) at the last ordinary meeting in the Municipal year, approve a programme of ordinary meetings of the Council for the following year;
- (vii) any motions relating to the appointment of Chairmen or Vice-Chairmen of Committees (which shall be submitted in accordance with Rule 11 following);
- (h) receive reports for the previous year from the Chairmen of the Overview and Scrutiny Committees, the Audit Committee and the Pensions Committee:
  - (i) except in the year when there are Borough Elections, at the first ordinary meeting in the Municipal Year; and
  - (ii) in the year when there are Borough Elections, at the last ordinary meeting before those elections;
- (i) at the annual meeting of each Municipal Year, receive reports for the previous year from the Member Champions;
- (j) consider questions from members submitted in accordance with Rule 10;
- (k) debate any petition exceeding the threshold of 3,500 signatories, and reach a decision on it, in accordance with the procedure set out in Rule 14
- (l) consider any motions submitted in accordance with the procedure set out in Rule 11; and
- (m) consider any other business specified in the summons to the meeting.

The Initial, Revised and Final Agendas for an ordinary meeting, and any papers or other submissions for consideration at that meeting, shall be delivered in accordance with Timetable 2 appended to these Rules.

### **3. COUNCIL TAX SETTING MEETING**

At the meeting at which the Council Tax for any year is to be set, the order of business shall be:

- (a) to choose a Member to preside if the Mayor is absent and to receive any other apologies for absence;
- (b) to approve the minutes of the last ordinary meeting of the Council and of any subsequent extraordinary meeting that may have been held;
- (c) to receive any declarations of interest from members;
- (d) to receive any announcements by the Mayor and/or the Leader of the Council;

- (e) to consider proposals from the Cabinet in relation to the Council's budget and any reports of the Overview and Scrutiny Board in respect of those proposals;
- (f) to agree the Council's budget; and
- (g) to set the council tax.

The Initial, Revised and Final Agendas for the Council Tax setting meeting, and any papers or other submissions for consideration at that meeting, shall be delivered in accordance with Timetable 3 appended to these Rules.

#### **4. EXTRAORDINARY MEETINGS**

##### **4.1 Calling extraordinary meetings**

Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Mayor;
- (c) the Monitoring Officer;
- (d) pursuant to statute, any five members of the Council if they have signed a requisition presented to the Mayor and he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

The Mayor shall, at his absolute discretion, set the date and time for the extraordinary meeting (subject to the statutory right of the Members who have requisitioned a meeting to do so in the event that the Mayor fails to do so) for any time prior to the commencement of the next ordinary meeting of the Council (including the Annual Meeting and the meeting at which the Council Tax is set).

The timetable for extraordinary meetings and rules as to amendments etc., will be set by the Mayor (or by the proper officer, in the event of Members exercising their default right) when the meeting is convened.

##### **4.2 Business**

The extraordinary meeting will:

- (a) choose a Member to preside if the Mayor is absent and receive any other apologies for absence; and
- (b) consider the business specified in the summons for the meeting.

#### **4.3 Conferment of Honorary Freedom**

Immediately before the Annual Meeting of the council in any year other than when there is an ordinary election of Councillors, an extraordinary meeting shall be convened for the purpose of considering an nomination for the conferment of the Honorary Freedom of the Borough in accordance with Council Procedure Rule 23.

#### **5. TIME AND PLACE OF MEETINGS**

Meetings of the Council will be held at Havering Town Hall (or such other place that may be determined either by the Council generally or by the Mayor for a particular meeting) and begin at 7.30pm unless an earlier time is agreed in advance by the Council, or by the Mayor, and the change is notified in the summons.

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

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least 5 clear days before a meeting, the Proper Officer will send a summons by post to every member of the Council or leave it at their usual place of residence; a Member may request the Proper Officer to make the summons, agenda and papers available by e-mail, electronic means (and the sending of which documents by electronic means on request shall be deemed to be due delivery). 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.

The Proper Officer shall also circulate to Members, for their information, an Initial Agenda and a Revised Agenda before the Final Agenda is issued, but neither shall be regarded as defining the agenda for the meeting.

The Proper Officer may publish one or more supplementary agenda(s) after publication of the final agenda, where to do so is necessary in the interests of the proper conduct of the meeting.

#### **7. CHAIRMAN OF MEETING**

- (a) the person presiding at the meeting may exercise any power or duty of the Mayor in relation to the conduct of that meeting;
- (b) the ruling of the Mayor in relation to any aspect of the conduct of the meeting shall not be questioned;
- (c) whenever the Mayor rises during a debate, any member then speaking or standing shall be seated and the Council shall be silent.
- (d) the Mayor shall in addition to statutory and common law powers and any other powers herein, have power to govern the meeting, curtail any

debate, keep order, alter the order of business, amalgamate debates and in general organise the business of the meeting.

## **8. 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 present, then the meeting will be adjourned immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **9. DURATION OF MEETINGS AND THE GUILLOTINE**

### **9.1 Conclusion of ordinary and special meetings**

Every ordinary or special meeting of Full Council shall terminate after 3 hours or no later than 10:30pm (whichever is earlier) and the Mayor shall declare the meeting closed

If there are motions or recommendations on the agenda that have not been dealt with by 10.15 p.m. they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

### **9.2 Conclusion of the Annual Meeting and of the Council Tax Setting meeting**

The Annual Meeting and the Council Tax Setting Meeting shall continue until all business has been dealt with, whereupon the Mayor will declare the meeting closed.

## **10. QUESTIONS BY MEMBERS**

### **10.1 Questions on notice at full Council**

Subject to Rule 10.2, a member of the Council may ask a question on any matter relating to the business of the Council:

- (a) The Leader of the Council
- (b) A member of the Cabinet
- (c) Any Committee Chairman who is a Member of the Council
- (d) A Champion

In the absence of one of the above listed in (a) to (d), the Chairman shall arrange for another Member to respond on their behalf.

## 10.2 Notice of questions

- (a) Members may only ask questions under Rule 10.1 if either:
  - (i) They have given 11 clear days' notice in writing to the Proper Officer signed by the Member or by the Group Leader on behalf of that Member.
  - (ii) the question relates to an urgent matter of which prior notice could not, in the circumstances, have been given and the Mayor accepts the question before the start of the meeting.
- (b) The Proper Officer shall refer to the Mayor any question that appears improper. If the Mayor agrees that the question is vexatious, scurrilous, frivolous or derogatory, is contrary to any provision of any Code, protocol, guideline or convention of the Council, does not relate to the business of the Council, or is otherwise improper or inappropriate it shall not be asked and the Chief Executive shall inform the questioner accordingly.

## 10.3 Order of questions

The allocation of the total number of questions set by Rule 10.6 shall be as near as possible in accordance with the relative size of the opposition political groupings and number of members not attached to a group. The Chief Executive shall determine the allocation from time to time and shall notify the Governance Committee of the allocations.

Subject to the following provisions, questions shall be dealt with in order of receipt.

Where there are questions from more than one Member of a Group or from Members not attached to a Group, questions shall be dealt with by rounds, such that:

- (a) round one shall comprise the first of the questions asked by any of the Members of each Group or by any unattached Member(s);
- (b) subsequent rounds shall comprise successive questions in such order until a Group or unattached member(s) have used their allocation of questions.
- (c) In the event that a Group does not use its full allocation of questions the remaining allocation shall be available for use by any other Group or unattached Member who has already submitting their agreed allocation of question on a first come, first serve basis.

Where appropriate in the public interest or to facilitate the business of the meeting, the Mayor may give priority to answering one or more questions.



#### **10.4 Response**

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer shall be provided later to the questioner and included in the minutes of the meeting.

#### **10.5 Supplementary question**

- (a) A member asking a question may ask one supplementary question without notice, of the member to whom the principal question was asked. The supplementary question must arise directly out of the original question or the reply. . This is never used – but if it is to be taken out we might need to tell them
- (b) There shall be no discussion or debate on any question. Members must phrase supplementary questions appropriately and not seek to make a statement, introduce new business or initiate a debate on the matter.

#### **10.6 Number of Questions**

A maximum of 15 questions can be submitted for a Council meeting all of which together with any supplementary questions under rule 10.5 will receive an oral reply at the meeting. Any questions in excess of the maximum number that are submitted will be treated as a Member enquiry and receive a written response.

#### **10.7 Time allowed for Questions**

The time set aside for questions shall not exceed 45 minutes. Any questions which have not been put in the time available will be responded to in writing, circulated to all Members and included in the minutes of the meeting.

#### **10.8 Absence of questioner**

Where a member has given notice of a question but is absent from the meeting, the Group Leader (or another Member of the Group nominated by the Group Leader) may ask the question on the Member's behalf, otherwise the question shall be dealt with as if it had been put for written answer.

#### **10.9 Alteration of question prior to publication of final agenda**

A member asking a question, or the Leader of the Group on behalf of that member, may at any time prior to the publication of that question in the final agenda for the meeting require the Chief Executive to alter the wording of that

question in order to correct factual or typographical error. No alteration shall affect the sense of any such question, and where the Chief Executive doubts the propriety of such an alteration, the Mayor may agree that it shall not be accepted. The Mayor's ruling on the matter shall not be questioned.

#### **10.10 Withdrawal of question**

A question may be withdrawn at any time by the person who submitted the question or by the Leader of a member's Group (with that member's consent).

#### **10.11 List of Questions**

The agenda for each meeting shall include a list of the questions (indicating those for written answer) to be answered at that meeting.

The minutes of the meeting shall include:

- (a) the text of the question and answer of every question dealt with orally, in the order in which each was dealt with
- (b) a summary of any supplementary question and answer
- (c) the text of the question and answer of every question dealt with by written reply.

#### **10.12 Questions about reports**

A Member may question the Leader of the Council, a Cabinet Member, a Committee Chairman or a Member Champion, as appropriate, about the content of any report before Council. Questions:

- (a) About reports issued with the final agenda shall be submitted to the Proper Officer no later than the Monday before the meeting (but if the Monday is a Bank Holiday, the time limit will be extended to noon on the Tuesday before the meeting).
- (b) About an urgent report may, with the consent of the Mayor, be asked without notice at the time the report is considered by Council.

#### **10.13 Reports to Council and amendments**

Reports of Cabinet, Committees or officers to Council to which an amendment is proposed shall be deemed subject to a motion "that the report be adopted and its recommendations carried into effect", which shall be moved and seconded by members of the Administration or the relevant committee chairman and vice-chairman; and be subject to the rules of debate as set out in Rule 13.4.

In these Rules, "motion" includes a deemed motion in respect of a report. The provisions of Rules 11.1 and 11.2 shall not apply to a deemed motion (except insofar as section 100B(4) of the Local Government Act 1972 applies to that motion).

Amendments to any reports before Council shall be submitted to the Proper Officer as follows:

- (a) To reports issued with the final agenda, no later than the Monday before the meeting (but if the Monday is a Bank Holiday, the time limit will be extended to noon on the Tuesday before the meeting).
- (b) An amendment to an urgent report may be proposed without notice at any time before the debate on it is concluded,

## **11. MOTIONS OF WHICH NOTICE IS GIVEN**

11.1 Subject to Rule 11.2 following and except for motions which can be moved without notice under Rule 12, written notice of every motion, signed either by at least two members or by the Leader or Secretary of a Group, must be delivered to the Proper Officer not later than 10 clear days before the date of the meeting. Notice of such motions will be available for public inspection

11.2 If a member satisfies the Mayor that:

- (a) there are special circumstances of sufficient urgency to require debate by the Council but due notice could not be included on the final agenda for the meeting as the issue in question arose after the deadline provided for in Rule 11.1 and
- (b) where applicable, those reasons are sufficient to permit admission of the motion on to the agenda in exercise of the power conferred by section 100B(4) of the Local Government Act 1972

The Mayor shall have power to agree that the motion be moved as an urgent motion at the meeting notwithstanding that due notice has not been given. If possible, the Proper Officer shall include any urgent motion on the Final Agenda for a meeting but if that is not possible, shall issue a Supplementary Agenda including it.

### **11.3 Scope**

- (a) Motions must be relevant to a matter in which the Council has powers or duties or which affects the borough.
- (b) The Monitoring Officer may reject a Motion (or an amendment to a motion) if it:
  - (i) is not about a matter for which the local authority has a responsibility or which affects the borough;
  - (ii) is defamatory, derogatory, vexatious, scurrilous, frivolous or offensive
  - (iii) is substantially the same as a motion which has been put at a meeting of Full Council in the past six months;
  - (iv) requires the disclosure of confidential or exempt information;

- (v) seeks to pursue or further a complaint against a Councillor or an Officer of the Council, where other channels already exist for the determination of complaints
- (c) Where it would assist the proper or efficient conduct of the Council's business, the Mayor may direct that two or more motions relating to the same matter shall be debated together, with a separate vote on each one at the conclusion of the debate.
- (b) The Monitoring Officer shall be entitled to clarify the wording of motions and amendments with the proposer before committing the motion or amendment to the agenda and shall be entitled to amend the wording of a motion or amendment in consultation with the proposer prior to the meeting to clarify, correct, or make sense of the particular wording. The Monitoring Officer shall consult the Mayor if agreement on such clarification cannot be reached and the Mayor may direct that the motion or amendment shall not be included in the summons.

#### 11.4 **Motion set out in agenda**

Motions of which notice has been given will be listed on the agenda in the order in which notice was received and, subject to that, in the order in which the group submitting the motions expresses a preference.

#### 11.5 **Amendments to motions**

- (a) Notice of amendment (other than to an urgent motion) must be signed by at least two members or by the Leader or Secretary of a Group and must be delivered to the Proper Officer at least 6 clear days before the date of the meeting.
- (b) An amendment to an urgent motion may be proposed and seconded without notice at any time before the debate on it is concluded.
- (c) An amendment shall not be debated unless it has been moved and seconded. The mover or seconder of an amendment may not move or second any other amendment on the same motion without the consent of the Mayor.
- (d) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.
 provided that the effect of (ii) to (iv) is not to negate the motion.
- (e) If there is any doubt about the effect of the carrying of any amendment upon the original motion, the Mayor may direct that it be read out (or displayed, if projection equipment is available) before accepting any

further amendments, or if there is none, before a vote is taken on the substantive motion.

#### **11.6 Alteration of motion and/or amendment to a motion**

- (a) The mover of a motion or amendment, or the Leader of the Group on behalf of which a motion or amendment is proposed, may at any time prior to the publication of that motion or amendment in the final agenda for the meeting require the Proper Officer to alter the wording of that motion or amendment in order to correct factual or typographical error or to improve clarity.
- (b) At a meeting, the mover of a motion or amendment, or the Leader of the Group on behalf of which a motion or amendment is proposed or has been moved, must seek the consent of the Council to alter that motion or amendment.
- (c) No alteration under this rule shall affect the sense of any such motion or amendment, and where the Proper Officer doubts the propriety of such an alteration, upon considering such doubts the Mayor may agree that it shall not be accepted. The Mayor's ruling on that matter shall be final.
- (d) The meeting's consent will be signified without discussion and be determined by vote only.
- (e) The Mayor may accept at the request of the relevant Group Leaders and the original proposers of the motion and amendment either prior to the meeting or at the meeting, an agreed composite motion which unites the motion and amendment into one and which is capable of being placed before the meeting as an agreed composite motion.

#### **11.7 Withdrawal of motion or amendment**

A motion or amendment issued with the final agenda may be withdrawn or amended via a procedural motion (12.1(g)) but only once the meeting has commenced and at any time before the agenda item is called. The withdrawal or amendment of a motion will require the consent of Full Council. No member may speak on the motion or amendment after the mover has withdrawn it.

#### **11.8 Amendments to motions and reports at the Council Tax setting meeting**

- (a) An amendment to a motion/report at the annual Council tax setting must be submitted to the Chief Executive no later than 6 clear days before the Council tax setting meeting, and must be such that the amendment would, if passed, in the view of the Chief Finance Officer enable a robust budget to be set.
- (b) Upon receipt of such amendment, the Chief Finance Officer shall consider whether it meets the "robust budget" test, and:

- (f) If it does meet the test, the Proper Officer shall include it on the agenda for the meeting.
  - (g) If it does not meet the test but the Chief Finance Officer considers that, duly altered, it will do so, that officer shall consult the proposers and, if they accept the alteration(s), the Proper Officer shall include it, as altered, on the agenda for the meeting.
  - (h) If it does not meet the test and the Chief Finance Officer considers that, whether or not altered, it will not do so, that officer shall refer the amendment to the Proper Officer who shall proceed with it as an improper amendment under Rule 11(3)(b).
- (c) As it is imperative that there is a level playing field, any new base information relating to or affecting Council tax that comes to light after the Cabinet has made its Council tax recommendations will be supplied to all Groups at the same time by the Chief Finance Officer.

#### **11.9 Time allowed**

The total time for consideration of any motions or amendments for ordinary meetings shall not exceed 75 minutes. Any motion or amendment on the agenda that is not reached shall be deemed moved and seconded and/or any debate in progress shall be ceased by the Mayor and be moved to the vote without discussion.

### **12. PROCEDURAL MOTIONS**

#### **12.1 Procedural motions**

The following procedural motions may be moved and seconded at any time during the meeting, where appropriate before the conclusion of the business to which they relate, without notice and shall be voted on without discussion:

- (a) in relation to the accuracy of the minutes
- (b) to change the order of business in the agenda
- (c) to refer something to an appropriate body or individual;
- (d) to appoint a committee or member to a committee arising from an item on the summons for the meeting;
- (e) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (f) to apply to a motion (including a deemed motion relating to a report the vote only procedure (rule 13.6));

- (g) to withdraw a motion or amendment;
- (h) to clarify a motion or amendment;
- (i) to adjourn a debate to a time specified;
- (j) that the meeting continue beyond 10.30 p.m;
- (k) to suspend a particular council procedure rule in accordance with Rule 20
- (l) to exclude the public and press in accordance with s.100B of the Local Government Act 1972;
- (m) not to hear further a member named or to exclude them from the meeting under Rule 18;

## **12.2 Special procedural motions**

A member who has not previously spoken in the debate may, at the conclusion of a speech of another member, move one of the following special procedural motions:

- (a) “That the question be put”, or
- (b) “That the Council proceed to the next business”, or
- (c) “That the Council adjourn”.

If the special procedural motion is seconded, it shall be put to the vote forthwith and, if it is carried, then:

- (i) in case (a): the rights of reply given by Rule 13.6 may be exercised. The motion before the meeting shall then be put to the vote, or
- (ii) in case (b): the motion then before the Council shall be regarded as lost and the Council shall proceed to the next item on the agenda (if any), or
- (iii) in case (c): the meeting shall stand adjourned to a date to be fixed in accordance with Rule 9.1 (c)

## **12.3 PREVIOUS DECISIONS AND MOTIONS**

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

- (a) A motion or amendment to rescind a decision made at a meeting of Council within the past six months shall not be moved unless the notice of motion is signed by at least 25 per cent of the members.

- (b) A motion to rescind may be included within a motion seeking to alter the previous decision in question and the two motions shall be treated as one matter for debate.

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

- (a) A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months shall not be moved unless the notice of motion or amendment is signed by at least 25 percent of members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.
- (b) This rule shall not apply to motions moved in respect of a report or recommendation of a committee but shall apply to amendments to such a recommendation.

## **13 RULES OF DEBATE**

### **13.1 No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal until the motion has been seconded.

### **13.2 Right to require motion in writing**

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him before it is discussed and may require it to be made available to all members. The text of such a motion may be displayed using the audio-visual display system within the Council Chamber.

### **13.3 Length of speeches**

No speech may exceed the following time limits without consent of the Mayor.

- (a) five minutes for a mover of a motion or an amendment
- (b) three minutes for other speeches in any debate

Except that, at the meeting setting the council tax under rule 3, the speeches of any Group Leader (or of a member nominated to speak on behalf of a Group Leader) on any motion or amendment relating to the council tax shall not exceed twenty minutes.

At the close of each debate upon a motion or report, or after a motion "That the question be put" has been carried, rights of reply may be exercised in the following order:

- (a) The Leader of the Group by which any motion, recommendation or amendment was proposed (if not the Leader of the Council or the Leader of the Opposition), or, if the mover is not a member of a Group, that Member.



(b) Where more than one Group or individual Member has proposed a motion or amendment, each shall be entitled to exercise a right of reply, in the order in which the motion or amendment(s) appears on the agenda.

(c) The Leader of the Council

In each case the appropriate Leader may nominate another member of their Group to reply on their behalf.

#### **13.4 Vote only procedure**

Where this procedure is invoked, the Mayor shall put the matter to a vote without debate. The motion and any amendment shall be deemed to have been moved and seconded, and shall be voted upon as if there are been a full debate of the matter.

#### **13.5 Seconding a motion or amendment**

No motion or amendment shall be debated or voted upon unless it has been seconded by a Member other than its proposer. A Member seconding a motion or amendment shall do so formally, without making a speech.

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

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

- (a) in exercise of a right of reply;
- (b) on a point of order;
- (c) by way of personal explanation;
- (d) by way of clarification; or
- (e) on a point of information.

#### **13.7 Point of order (breach of council rules)**

A member may raise a point of order at any time. The Mayor will hear this 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 they consider it has been broken. The ruling of the Mayor on the matter will be final.

#### **13.8 Personal explanation (when a member is referred to)**

A member may seek to make a personal explanation at any time during the course of another member's speech if he has been referred to by name or position, either immediately if the member speaking gives way or at the end of

the speech. A personal explanation may only relate to the statement made by the other member in their speech. The ruling of the Mayor on the admissibility of a personal explanation and the time allowed for any personal explanation will be final.

### **13.9 Clarification (of a member's own statement)**

A member may seek leave from the Mayor to clarify a point made in an earlier speech by that member if it appears from comments made in a subsequent speech that the earlier speech by the member had been misunderstood. The ruling of the Mayor on the admissibility of a clarification and the time allowed for any clarification will be final.

### **13.10 Point of Information (a question to seek clarification on a factual statement by others)**

A member may seek to make a point of information at any time but may not pursue it if the member speaking declines to give way. It shall be a simple question to clarify factual statements made during the course of a speech. It may not be a long or rhetorical question or become a cross-examination of the speaker. The ruling of the Mayor on the admissibility of, and the time allowed for, any point of information will be final.

## **14. PETITIONS**

Petitions may be presented to the Mayor by members of the Council during an ordinary Council meeting as referred to in Rule 2, subject to notice being given to the Proper Officer of the intention to present a petition at least 6 clear days before the meeting.

There will be no debate on any petition under this rule but the member presenting the petition may make a brief statement on the content of the petitions.

## **15. VOTING**

### **15.1 Majority**

Subject to any statutory requirement otherwise (notice of which shall appear in the relevant agenda), all matters before Council shall be decided by a simple majority of those members voting and present in the room at the time the question is put.

This rule shall not be suspended.

### **15.2 Chairman'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.

### **15.3 Recording of Votes**

All votes shall be recorded.

### **15.4 Voting on appointments**

If more than two people are nominated for any position to be filled the votes will be recorded as between those nominated and the Member gaining the greatest number of votes shall be declared the nominee. In the event that there is an equality of votes then the Mayor shall exercise a casting vote.

## **16. MINUTES**

### **16.1 Signing the minutes**

- (a) The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only discussion of the minutes shall be as to their accuracy.
- (b) Any other matter arising from the minutes shall be discussed only if a motion relating to the matter is moved and seconded in accordance with Rule 11.

This rule shall not be suspended.

### **16.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

Minutes of previous meetings shall be signed only at ordinary meetings (including the Annual Meeting and the Council Tax Setting Meeting).

This rule shall not be suspended.

### **16.3 Form of minutes**

- (a) Subject to (b) following, Minutes will contain all motions and amendments in the exact form and order the Mayor put them.
- (b) For the purpose of ensuring the accuracy of minutes, the Proper Officer is authorised to adjust the text of the substantive motion as finally carried to reflect the sense of the meeting where, in consequence of more than one amendment being carried, the meaning is not otherwise clear.

## **17. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the provisions of section 100B of the Local Government Act 1972 or Rule 19 (Disturbance by Public).

## **18. MEMBERS' CONDUCT**

### **18.1 Standing to speak**

When a member speaks at full Council they must stand (unless prevented from doing so by illness or disability) and address the meeting through the Mayor. If more than one member stands, the Mayor 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, clarification, a point of personal explanation or information.

### **18.2 Defamatory and unparliamentarily language**

- (a) Although Members have qualified privilege in respect of defamation at Council meetings, they must not abuse that privilege so as to make personal attacks on individuals. Officers at Council meetings are not permitted to criticise a member's personal conduct, judgement or ability and Members for their part must not criticise an officer personally at any meeting. The Mayor will take this into account in conducting the meeting.
- (b) The use in debate of unparliamentarily language is prohibited and any use of it will be considered to be offensive under rule 18.3 below.

It is considered that "unparliamentarily language" is language which offends against the conventions of politeness such as insulting or abusive language and accusations of lying, being drunk or misrepresenting another's words.

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

- (a) If a Member, disregarding any ruling of the Mayor, behaves in an improper or offensive manner or deliberately obstructs business, any other Member, including the Mayor, may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.
- (b) If the motion is carried, the Member named in it shall immediately be seated and be silent for the remainder of the item then under discussion.

### **18.4 Member to leave the meeting**

If the member continues to behave improperly after a motion under Rule 18.3 is carried, the Mayor may move either that the member leaves the meeting and/or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

This rule shall not be suspended.

## **19. DISTURBANCE BY THE PUBLIC**

### **19.1 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 order their removal from the meeting room.

### **19.2 Clearance of part of meeting room**

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

### **19.3 General disturbance**

If there is a general disturbance making orderly business impossible, the Mayor may issue a warning and if the disturbance continues adjourn the meeting for as long as he thinks necessary. Such action shall be at the Mayor's discretion and may be taken without putting the matter to the vote.

Rules 19.1 to 19.3 shall not be suspended.

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

### **20.1 Suspension**

(a) Except as noted in 20.2 below, all Council Rules of Procedure may be suspended for the duration of a meeting by motion without notice.

(b) The following Rules may not be suspended:

15.1 – question to determined by majority vote

16.1 - signing of minutes - procedure

16.2 – minutes to be signed only at ordinary meetings

18 - Members' conduct

19 - Disturbance by the public

### **20.2 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 Governance Committee.

## **21. AUDIO-VISUAL AIDS**

A member, or person invited to address the Council may request the use of any audio-visual aids available within the Council Chamber (or other meeting place). Reasonable notice shall be given to the Chief Executive of the intended use of such facilities in order to ensure their availability when required and the availability of appropriate staff to prepare, or assist in the preparation of, such aids.

The Mayor may, however, direct that, in the circumstances of a particular meeting, such aids may not be used.

## **22. WEBCASTING, BROADCASTING AND RECORDING OF PROCEEDINGS**

### **22.1 Webcasting**

A webcast may be made of any meeting (or part thereof) of the Council (but not so as to permit the webcasting of any confidential or exempt information) but the Mayor is authorised to determine that a particular meeting, or part of a meeting, shall not be webcast.

### **22.2 Audio/ Visual Recording of Meetings**

Anyone is welcome to record meetings of Council and its committees through any audio, visual or written methods they find appropriate providing they do not disturb the conduct of the meeting.

The Chair of the meeting will have the power to rescind this permission should it prove necessary due to the nature of the meeting or if the conduct of the meeting is disturbed, for example through flash photography or intrusive camera equipment.

All those visually recording at the meeting are requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting.

If a meeting passes a motion to exclude the press and public then, in conjunction with this all rights to record the meeting are removed.

## **23. CONFERRMENT OF AWARDS FOR EMINENT SERVICE**

23.1 Other than in a year in which there is an ordinary election of Councillors, Council shall consider at an extraordinary meeting held immediately before the Annual Meeting whether to confer on any person the Honorary Freedom of the borough, in recognition of their distinction or eminent services to the borough.

23.2 In a year in which there is an ordinary election of Councillors, Council shall consider at first ordinary meeting following the Annual Meeting

- (i) whether to confer upon on any person of distinction or who has rendered eminent service to the borough the Honorary Freedom of the Borough
- (ii) whether to confer upon any former Councillor the office of Honorary Alderman, in recognition of their eminent services to the Council; or
- (iii) the presentation to any Member or former Member of a certificate in recognition of service to the Council.

- 23.3 Notwithstanding rules 23.1 and 23.2 above, the Council may by motion consider conferring Honorary Freedom or the office of Honorary Alderman on a qualifying person, or presenting a certificate to a Member, where in the circumstances it is inappropriate to await the next Annual Meeting or the meeting following it, as the case may be.
- 23.4 The mover and/or seconder of a motion to confer the Honorary Freedom or the office of Honorary Alderman shall set out, either in the text of the motion or in the course of speaking in support of it, details of the “eminent service”, or the reason for “distinction” for which the award is to be conferred, and it shall be passed if two thirds of those present and voting at the meeting vote in favour.

## **24. INTERPRETATION**

For the purposes of the Council Procedure Rules:

- (a) the term “clear days” means a normal working day, excluding:
- (i) the day on which a document is first made available
  - (ii) the day of the meeting
  - (iii) Saturday and Sunday
  - (iv) Public or bank holidays
  - (v) Other days when the Council’s offices are closed
- (b) “Proper Officer” shall include, if the Chief Executive is absent or unable to act, reference to any SLT Director or the Monitoring Officer who may from time to time be authorised to deputise for the Chief Executive for the purposes of these procedure rules
- (c) “Group” means any Group of members constituted under the statutory rules for political balance
- (d) “Group Leader” means the member notified to the Proper Officer as leader of a Group
- (e) “Deputy Group Leader” means “the other authorised representative” of the group
- (f) “Group Secretary” means the member notified to the Proper Officer as holding that office within the Group
- (g) “Leader of the Council” means the Member elected to hold that office
- (h) “Leader of the Opposition” means the Leader of the largest group not forming, or forming part of, the administration.
- (i) For the avoidance of doubt, it is declared that:
- (i) any notice required to be given in writing may validly be given in writing on paper, by fax or by e-mail provided that the e-mail is

from an address recognisably that of the person giving notice or known to be associated with him or her.

- (ii) any document required to be served upon the Proper Officer or the Chief Executive may be handed to the Head of Democratic Services or a member of their staff.
- (iii) any document required to be served upon the Mayor may be handed to the Proper Officer, Chief Executive or the Head of Democratic Services or a member of their staff on behalf of the Mayor.
- (iv) any document handed to the Proper Officer, Chief Executive, Head of Democratic Services or staff member under (b) or (c) shall be deemed served upon the person to whom it is addressed.
- (v) where more than one signature is required, each may validly be given by the member(s) in question by notice in writing, by fax or by e-mail from a recognisable e-mail address or one known to be associated with him or her and different Members may use different means of signature.



## APPENDIX

These timetables assume that the meeting of Council is held on a Wednesday. If a meeting is held on another day, the relevant timetable shall be adjusted accordingly.

### 1 Annual Meeting Timetable

		<b>Day, week, and “clear days” before meeting</b>
1	Publication of INITIAL Agenda	Thursday: three weeks before <b>13</b>
2	Last date for receipt of notices of motion relating to the business to be transacted at the Annual Meeting	Tuesday: two weeks before <b>10</b>
3	Last date for receipt of nominations for the conferment of the Honorary Freedom of the borough	Tuesday: two weeks before <b>10</b>
4	Publication of REVISED Agenda	Thursday: two weeks before <b>8</b>
5	Last date for receipt of notice of amendment of any motion relating to business to be transacted at the Annual Meeting or report published with the Initial or Revised Agenda	Monday: one week before <b>6</b>
6	Publication of FINAL AGENDA incorporating all agenda papers	Tuesday: one week before <b>5</b>
7	Last date for receipt of notice of amendment to any report published with the Final Agenda	Monday: same week <b>1</b>

## 2 Ordinary Meeting Timetable

		<b>Day, week, and “clear days” before meeting</b>
1	Publication of INITIAL Agenda	Thursday: three weeks before <b>13</b>
2	Last date for receipt of questions	Monday: two week before <b>11</b>
3	Last date for receipt of notices of motion	Tuesday: two weeks before <b>10</b>
4	Last date for Mayor or Leader of the Council to give notice of arrangements for an address to the Council	Tuesday: two weeks before <b>10</b>
5	Publication of REVISED Agenda	Thursday: two weeks before <b>8</b>
6	Last date for receipt of notice of amendments to motions published in the Revised Agenda	Monday: one week before <b>6</b>
7	Last date for receipt of notice of intention to present a petition	Monday: one week before <b>6</b>
8	Issue of FINAL AGENDA incorporating all agenda papers	Tuesday: one week before <b>5</b>
9	Last date for receipt of notice of amendments to reports issued with the Final Agenda	Monday: same week <b>1</b>

### 3 Council Tax Setting Meeting Timetable

		<b>Day, week, and “clear days” before meeting</b>
1	Publication of INITIAL Agenda	Thursday: three weeks before <b>13</b>
2	<i>Cabinet meeting at which budget recommendations will be determined</i>	<i>Wednesday: two weeks before <b>9</b></i>
3	Publication of REVISED Agenda	Thursday: two weeks before <b>8</b>
4	Issue of FINAL AGENDA incorporating all agenda papers (but Supplementary Agenda(s) will be published)	Tuesday: one week before <b>5</b>
5	Last date for receipt of any amendment to the Council Budget	Monday: one week before <b>6</b>

