

Please note the only rules currently under consideration by Council are **Sections 1 and 2**.

The remaining sections (3, 4 & 5) will be dealt with at future CRG Meetings.

Agreement at this stage is for Sections 1 & 2 only.

APPENDIX 1

Part 4: RULES OF PROCEDURE

Section 1 [Council Procedure Rules \(Standing Orders\)](#)

Section 2 [Rules of general application to all committees](#)

Section 3 Cabinet Procedure Rules

Section 4 Overview and Scrutiny Procedure Rules

Section 5 Development Committee Procedure Rules

Section 1: COUNCIL PROCEDURE RULES

1. ANNUAL MEETING OF THE COUNCIL

- 1.1. The Council shall hold an Annual Meeting at the start of each municipal year, on 20 May or as soon as practicable afterwards. The date, time and place shall be fixed by the Mayor.
- 1.2. The annual meeting will:
 - (a) elect a person to preside if the Mayor is not present;
 - (b) elect the Mayor;
 - (c) elect the Deputy Mayor;
 - (d) receive any announcements from the Mayor and/or Chief Executive;
 - (e) appoint the Leader of the Council (at appropriate times only)
 - (f) agree the terms of reference of and elect Members to the Overview and Scrutiny Committees;
 - (g) agree the terms of reference of and elect Council Members to the Standards Committee;
 - (h) agree the terms of reference of and elect Members to all other council Committees;
 - (i) decide the allocation of seats to political groups in accordance with the political proportionality rules set out in Sections 15 to 17 of the Local Government and Housing Act 1989;
 - (j) approve a programme of ordinary meetings of the Council for the year;
 - (k) receive any reports from councillors nominated to outside bodies in the previous municipal year;
 - (l) consider any business set out in the notice convening the meeting; and
 - (m) appoint to council Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.
- 1.3. The Mayor shall continue in office until their successor is appointed unless they resign or cease to be qualified or become disqualified.
- 1.4. The Deputy Mayor shall hold office until immediately after the election of a Mayor at the next Annual Meeting of the Council unless they resign or cease to be qualified or become disqualified.

2. RULES FOR THE APPOINTMENT AND REMOVAL OF THE EXECUTIVE LEADER OF THE COUNCIL

- 2.1. The Council will appoint one of its Members to be the Executive Leader of the Council (known as the Leader of the Council).

- 2.2. The function of the Executive Leader is to take a leading role in formulating Council policies and ensuring that the policies are implemented effectively and efficiently.
- 2.3. The Executive Leader will:
 - (a) determine the size of the Cabinet;
 - (b) appoint the Members of the Cabinet;
 - (c) allocate portfolios or areas of responsibility to the various Cabinet Members;
 - (d) allocate decision making powers to the Cabinet and to individual Cabinet Members;
 - (e) have the Power to remove and replace Cabinet Members.
- 2.4. The Executive Leader can only be removed by a resolution of the Council. If the Council passes a resolution to remove the Executive Leader, a new executive leader is to be appointed at the meeting where the Executive Leader is removed or at a subsequent meeting.
- 2.5. The parties in opposition to the majority party may appoint amongst themselves a Leader and Deputy Leader of the Opposition.

3. ORDINARY MEETINGS OF THE COUNCIL

- 3.1. The dates of ordinary meetings of the Council are agreed at the Council's Annual Meeting.

4. CANCELLATION, POSTPONEMENT OR VARIATION OF MEETINGS

- 4.1. The Council may by resolution cancel, postpone or vary the day and hour and place of meeting.
- 4.2. The Governance Services Manager, after consultation with the Mayor, Leader of the Council and Group Leaders of the opposition parties, may cancel, postpone or vary the day, hour or venue of a Council meeting, if they consider there is good reason to do so.
- 4.3. In the absence of those mentioned, the Deputy Mayor or Deputy Group Leaders may be consulted instead.
- 4.4. If after consultation, there is any party disagreement with the proposed change in arrangements, the matter shall be referred to and determined by the Chief Executive, who shall have regard to the wishes (if any) expressed by the Groups and the requirements of the fair and efficient conduct of the Council's business.

5. ORDER OF BUSINESS AT ORDINARY COUNCIL MEETINGS

- 5.1. The business conducted at every ordinary meeting of the Council shall be to:-
- (a) choose a person to preside if the Mayor and Deputy Mayor are absent;
 - (b) deal with any business required by law;
 - (c) agree the minutes of the last meeting or of any extraordinary or other meeting since then;
 - (d) receive apologies for absence;
 - (e) receive any public petitions in accordance with the council rules of procedure;
 - (f) hear any deputations relating to matters affecting the Council, its business or the Borough;
 - (g) deal with questions from members of the public relating to matters which are relevant to the business of the Council or the Borough;
 - (h) receive any declarations of interest from members;
 - (i) dispose of business (if any) remaining from the last meeting;
 - (j) receive any announcements from the Mayor, Leader, Member of the Cabinet or Chief Executive;
 - (k) receive answers to Questions by Members in accordance with the council rules of procedure;
 - (l) receive reports and recommendations from the Cabinet;
 - (m) receive reports and recommendations from the Overview and Scrutiny Committees, Standards Committee and Scrutiny Sub-Committees;
 - (n) consider motions in accordance with the council rules of procedure;
 - (o) receive reports from Officers of the Council;
 - (p) receive reports about the business of joint arrangements, council owned companies, council boards and partnership bodies and external organisations;
 - (q) make appointments or fill vacancies to committees or other bodies;
 - (r) consider any other business, specified in the summons to the meeting;
 - (s) consider any matters of urgency subject to the agreement of the Mayor.
- 5.2. The order of business must be conducted in the order set out by the summons to the meeting but may be varied by:-
- (a) the Mayor at their discretion;
 - (b) a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

6. RECOMMENDATIONS TO COUNCIL

- 6.1. When the Council receives 'reports and recommendations of the Cabinet and other Committees' the procedure shall be as follows:-
- 6.2. The relevant Portfolio Holder (or in their absence, the Leader or Deputy Leader, (in the case of Cabinet recommendations) or Chairman, Vice-Chairman or some other appropriate Member who was present at the meeting of that Committee, which is the subject of the report will rise and formally move "that the recommendations of the Cabinet or the Committee set out on the Council Agenda be approved"
- 6.3. When this motion is formally seconded, the Mayor will call out each recommendation in turn and unless a Member rises to speak within a reasonable time then the Mayor shall move to the next item of business. The Mayor will, without a formal vote being taken, confirm that the recommendations have been agreed by the Council.
- 6.4. A Member may ask the Leader or relevant Cabinet member a question, time limited to up to 3 minutes, upon an item of a report of the Cabinet when that item is being received or under consideration by the Council.
- 6.5. If a Member moves an amendment to the recommendations, this must be formally seconded. The matter is then debated in accordance with the [rules of debate](#) contained within the council rules of procedure. If on being put to the vote an amendment is lost and no further amendment proposed, the Mayor will pass on to the next item of business in sequence. If, however, an amendment is declared carried, the adoption of the recommendation as amended will become the substantive recommendation and will be subject to the rules of debate contained within the council rules of procedure.
- 6.6. Where a Member wants to oppose a particular recommendation but does not wish to move an amendment under 6.5 above because it would be directly negative to the recommendation they can, on hearing the recommendation called, rise and ask for a vote, giving reasons for doing so, time limited to up to 3 minutes. No further debate shall be permitted but the Mayor may exercise their discretion to hear other Members' reasons for opposing the recommendation if necessary, time limited to up to 2 minutes. The mover of the recommendations in the report has a final right of reply time limited to up to 3 minutes. The adoption of the recommendation shall then be put to the vote. If there are more votes against than in favour of the recommendation, the report will be automatically referred back to the Cabinet or originating Committee for re-submission to the Council at a further meeting or for re-consideration.

7. EXTRAORDINARY AND SPECIAL MEETINGS

- 7.1. In addition to the timetable of ordinary meetings agreed at the Annual Council meeting, additional extraordinary or special council meetings may be held.
- 7.2. **Extraordinary Meetings**

Those listed below may request the Governance Services Manager to call Council meetings in addition to ordinary meetings:

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

The notice and summons for an extraordinary meeting of the Council must be given to all Members of the Council within 7 days and the meeting must then be held within a reasonable period of time after the expiration of the seven days.

7.3. **Special Meetings**

These are meetings for a special purpose required by statute or on the decision of the Council. The Governance Services Manager will call these meetings.

- 7.4. Business at Extraordinary or Special meetings of the Council shall be restricted to the item of business for which the meeting has been called.
- 7.5. Any other business that the Mayor agrees to accept can be included on the Agenda in accordance with these Procedure Rules.

8. **TIME AND PLACE OF MEETINGS**

- 8.1. The time and place of Council meetings will be determined by the Governance Services Manager and notified in the summons.

9. **NOTICE OF AND SUMMONS TO MEETINGS (Sch. 12 Pt. 1 Para. 4)**

- 9.1. At least 5 clear working days before a meeting of the Council, Cabinet or Committee:-
 - (a) notice of the time and place of the intended meeting shall be published at the offices of the council;
 - (b) where the meeting is called by Members of the council the notice shall be signed by those Members and shall specify the business proposed to be transacted; and
 - (c) a summons to attend the meeting, specifying the date, time and place of the meeting, and the business to be transacted with all available reports will be signed by the Corporate Director, Public Protection, Planning and Governance or Governance Services Manager and shall be left at, or sent by post to, the usual residence of every Member of the council.

- 9.2. Failure to serve the summons on any Member of the council shall not affect the validity of the meeting.

10. CHAIRING OF THE COUNCIL MEETING

- 10.1. If the Mayor is present at a meeting of the Council, the Mayor will preside, if not the Deputy Mayor, will preside. In the absence of both the Mayor and the Deputy Mayor from a meeting of the Council, another Member, to be chosen by the Members present, shall preside.
- 10.2. The person presiding at the meeting may exercise any power or duty of the Mayor.

11. MAYOR'S RULING

- 11.1. The ruling of the Mayor (or person presiding) on any matter and any requirements or instructions by the Mayor to ensure the orderly debate and proper conduct of the Council's business, shall be final and accepted without discussion by all Members.

12. QUORUM AND VALIDITY OF PROCEEDINGS

- 12.1. The quorum of a meeting of the Council will be one quarter of the whole number of Members of the Council, except where one third of the Members of the Council become disqualified at the same time, in which case, until the number of Members in office is increased to not less than two thirds of the whole number of Members of the Council, the quorum shall be determined by reference to the number of Members of the Council remaining qualified. During any meeting if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If a date is not fixed, the remaining business will be considered at the next ordinary meeting.
- 12.2. The proceedings of the Council shall not be invalidated by any vacancy among their number, or by any defect in the election or qualification of any Member.

13. SPEAKING AT COUNCIL MEETINGS

- 13.1. When a Member speaks at Council meetings, they may choose to stand or sit to address the meeting through the Mayor.
- 13.2. When the Mayor speaks during a debate, any Member speaking at the time must stop speaking and allow the Mayor to be heard. The meeting must be silent.
- 13.3. At a Council meeting, if the Mayor considers any matter to be objectionable or undesirable, the Mayor may, either before or after it is brought forward, put

to the vote a motion that it be not heard. No discussion shall be allowed on the Mayor's motion. If the Mayor's motion is carried, the matter shall be considered as disposed of for that meeting.

- 13.4. If a Member at a Council meeting disregards the ruling of the Mayor/Chairman by behaving improperly or offensively or deliberately obstructs business, the Mayor may request the immediate discontinuance of this behaviour.
- 13.5. If the Member persists with the misbehaviour, the Mayor will rule that the Member be not heard further and/or that the Member shall leave the room for a period which the Mayor considers appropriate.
- 13.6. The Mayor has powers to take whatever measures considered necessary to secure the removal of, or prevent the Member from re-entering the room.
- 13.7. If there is a general disturbance making orderly business impossible, the Mayor may adjourn a meeting of the Council for as long as necessary or to another venue; or to close the meeting, upon which items on the agenda will be deferred to another meeting.

14. QUESTIONS BY THE PUBLIC

- 14.1. Members of the public may ask questions of Members of the Cabinet at the beginning of ordinary meetings of the Council for a total period of up to 30 minutes.
- 14.2. Questions will be asked in the same order as received, save that the Mayor may group together similar questions.
- 14.3. A question must be submitted in writing and either received by post or electronic mail by the Governance Services Manager by no later than 12:00 noon, five clear working days before the meeting.
- 14.4. Each question must give the name and address of the questioner and must name the Member to whom it is to be put.
- 14.5. Only one question may be submitted and asked by each member of the public or on behalf of one organisation and must relate to a single topic.
- 14.6. The Governance Services Manager will reject a question if:
 - (a) it is not about a matter for which the Council has a responsibility for or which affects the Borough;
 - (b) it is defamatory, frivolous or offensive;
 - (c) it is a repeat question which has been previously put at a meeting of the Council within the past six months to which there has been no material change of circumstances; or
 - (d) it requires the disclosure of confidential or exempt information.
- 14.7. Copies of all questions will be circulated to all Members and will be made

available to the members of public attending the meeting.

- 14.8. The Mayor will invite the questioner to put the question to the Member named in the notice. Up to a maximum of 3 minutes will be permitted for the question to be asked.
- 14.9. If a questioner who has submitted a written question is unable to be present, the answer will be read out at the meeting and a written reply will be sent to the questioner, as soon as is practicable.
- 14.10. Supplementary questions will not be allowed and no debate will be permitted on any question or response.
- 14.11. Any question which cannot be dealt with during the public question time item for any reason whatsoever, will be dealt with by a written reply to the questioner as soon as is practicable.

15. QUESTIONS BY MEMBERS

- 15.1. For a total period of up to 30 minutes a Member of the Council may ask:
 - (a) the Mayor;
 - (b) the Leader
 - (c) a Member of the Cabineta question on any matter in relation to which the Council has powers or duties or which affects the Borough.
- 15.2. A Member may only ask a question if either:
 - (a) the question is submitted in writing and received by post or electronic mail by the Governance Services Manager no later than 12.00 noon, five clear working days before the Council meeting.
 - (b) the question relates to urgent matters (this must be agreed by either the Mayor or Chief Executive to be urgent), and is given to the Governance Services Manager by 10.00 am on the day of the meeting.
- 15.3. The following procedure will be followed with regard to Members' questions:
 - (a) a register of the subject of questions in the order received and name of the Member will be kept by the Governance Services Manager and Members from each party on the Council will be called alternately by the Mayor to put their question until time runs out;
 - (b) a Member who has asked a question at that meeting will go to the back of the queue for further questions at subsequent meetings in the current municipal year;
 - (c) subject to these points the questions will be answered in the order received and in the time allowed.
- 15.4. An answer may take the form of:

- (a) a direct oral answer time limited to up to 3 minutes;
- (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 reasonably be given orally, a written answer circulated later to all Members;
- (d) there shall be no debate on the answers given to the questions.

15.5. Supplementary questions:

A Member asking a question under these rules may ask one supplementary question of the Member to whom the first question was asked, time limited to up to 3 minutes.

The supplementary question must arise directly out of the reply and there shall be no debate on the answer given to the supplementary question.
Answers to supplementary questions shall also be time limited to up to 3 minutes.

16. MOTIONS ON NOTICE

- 16.1. Except for motions which can be moved without notice under these Council Procedure Rules, notice of every motion must be submitted in writing and received by post or electronic mail by the Governance Services Manager no later than 12.00 noon, five clear working days before the Council meeting.
- 16.2. The Governance Services Manager will date and number the motions in the order in which they are received and will enter them into a register open to public inspection.
- 16.3. A motion must be formally moved and seconded in the form set out in the summons. This can be done by the Member or Members who gave notice, or others on their behalf. If this does not happen it will be treated as withdrawn and cannot be moved without fresh notice. Alternatively, if the Council agrees, the motion can be postponed.
- 16.4. Motions for which notice has been 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.
- 16.5. The Governance Services Manager, in consultation with the Chief Executive, will reject a motion if:
 - (a) it is not about a matter for which the Council has a responsibility for or which affects the Borough;
 - (b) it is defamatory, frivolous or offensive;
 - (c) it is a repeat motion which has been previously put at a meeting of the Council in the past 6 months, to which there has been no material change of circumstances.
 - (d) it seeks to reopen business previously resolved by the Cabinet or a Committee.

- 16.6. Motions likely to or which will require the disclosure of confidential or exempt information shall be debated in the exempt part of the Council meeting and members of the public and press shall be excluded for that item.

17. MOTIONS WITH FINANCIAL IMPLICATIONS

- 17.1. Any motion which, if carried, would have substantial financial implications for the council or any of its services, shall be adjourned, without further discussion, to the next ordinary meeting of the Council and referred back to the Cabinet for consideration.
- 17.2. The Cabinet will consider the motion and report back to the next ordinary meeting of the Council.
- 17.3. These rules will not apply where the motion directly results from a recommendation or report of the Cabinet, a Committee, or of an Officer which is already before the Council meeting for consideration and contains advice from the Chief Finance Officer.

18. ALTERNATIVE BUDGET PROCEDURES

- 18.1. Where amendments are proposed to the Council's draft budget, details of these must be submitted in writing to the Corporate Director (Resources, Environment and Cultural Services) in her capacity as the Council's S151 officer (also referred to as the Chief Finance Officer), at least five working days before the date the Council meets to consider the budget.
- 18.2. This will enable the Corporate Director (Resources, Environment and Cultural Services) to fully assess the proposals and report to the Council meeting on any financial implication(s) to the Council budget and if the proposals would enable the Council to set a lawful budget.
- 18.3. Budget amendments, including the financial implications on the Council budget and council tax will be circulated to all Members of the Council at least two working days before the date of the Council meeting.
- 18.4. Guidance should be sought at any time from the Corporate Director (Resources, Environment and Cultural Services) and specifically, Members shall be entitled to confidential discussions with the Corporate Director (Resources, Environment and Cultural Services) as the Council's S151 Officer regarding options and proposals.

19. MOTIONS WITHOUT NOTICE

- 19.1. The following motions may be moved without notice:
- (a) to appoint a Chairman 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 the Cabinet, an appropriate Committee or an Officer;
- (e) to appoint Committee Members arising from an item on the summons for the meeting;
- (f) to receive reports of the Cabinet, the Overview and Scrutiny Committees, other 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 before the meeting be now put to the vote;
- (k) to adjourn a debate;
- (l) to adjourn the meeting;
- (m) to suspend a particular Council Procedure Rule ;
- (n) to exclude the public and press in accordance with the Access to Information Procedure Rules;
- (o) if the Mayor or Chairman of the meeting considers any matter to be objectionable or undesirable and moves not to hear a Member further or to the Member from the meeting;
- (p) to move an urgent motion where the Mayor has given consent;
- (q) to extend the time limit for speeches; and
- (r) where the council's Constitution requires express consent of the Council.

20. RULES OF DEBATE FOR MOTIONS

- 20.1. A speaker may sit or stand when addressing the Mayor and all other members must remain seated.
- 20.2. No speeches may be made until after the mover has moved a motion and the motion has been seconded.
- 20.3. In the case of an urgent motion which the Mayor has given consent to, the Mayor may require it to be written down and handed to the Mayor before it is discussed.
- 20.4. When seconding a motion or amendment, a Member may reserve their speech until later in the debate.
- 20.5. Speeches must be directed to the motion or amendment under discussion or to a personal explanation or point of order.
- 20.6. The mover of the motion opens the debate with their speech, time limited to up to 5 minutes.

- 20.7. All other speeches are time limited to up to 3 minutes.
- 20.8. A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
 - (a) to speak once on an amendment moved by another Member;
 - (b) to move a further amendment;
 - (c) if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which was spoken to was carried);
 - (d) where they have reserved their right to speak as seconder of a motion;
 - (e) in exercise of a right of reply;
 - (f) on a point of order;
 - (g) by way of personal explanation;
 - (h) to move any of the following resolutions:-
"That the question before the meeting be now put to the vote";
"That the debate be now adjourned";
"That the Council proceed to the next business"; or
"That the Council now adjourn".
- 20.9. No Member shall interrupt the speech of any other Member except in the following cases:-
 - (a) on a point of order;
 - (b) on a point of personal explanation.
- 20.10. The Mayor can close the discussion at any point, where they consider the subject has been sufficiently debated.
- 20.11. The ruling of the mayor on a point of order or personal explanation, or on an amendment, shall be final and not open to discussion.

21. AMENDMENTS TO MOTIONS

- 21.1. An amendment to a motion must be positive in nature and relevant to the motion and will either be:
 - (a) to leave out words;
 - (b) to leave out words and insert or add others; or
 - (c) to insert or add words.as long as the effect of these is not to negate the motion.
- 21.2. Only one amendment may be moved, seconded and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- 21.3. If an amendment is not carried, other amendments to the original motion may

be moved and seconded.

- 21.4. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 21.5. After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or debate.

22. ALTERATION OF MOTION

- 22.1. A Member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent or otherwise will be signified without discussion.
- 22.2. A Member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent or otherwise will be signified without discussion.
- 22.3. Only alterations which could be made as an amendment may be made.

23. WITHDRAWAL OF MOTION

- 23.1. A Member may withdraw a motion or amendment which they have moved with the consent of both the meeting and the seconder. The meeting's consent or otherwise 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.

24. RIGHT OF REPLY

- 24.1. The mover of a motion has a right to reply at the end of the debate on the motion, time limited to up to 5 minutes, immediately before it is put to the vote.
- 24.2. If amendments are moved, the mover of the original motion has the right of reply at the close of the debate on each amendment, time limited to up to 3 minutes until an amendment is carried.
- 24.3. The mover of the amendment has no right of reply to the debate on their amendment.
- 24.4. A Member exercising a right of reply shall only answer previous speakers and shall not introduce new matter. After every such reply a vote shall be taken without further discussion.

25. MOTIONS WHICH MAY BE MOVED DURING DEBATE

- 25.1. When a motion is under debate, no other motion may be moved except the following procedural motions:
- (a) to withdraw a motion;
 - (b) to postpone consideration of the motion;
 - (c) to amend a motion;
 - (d) to proceed to the next business;
 - (e) that the question be now put;
 - (f) to adjourn a debate;
 - (g) to adjourn a meeting;
 - (h) that the subject of the motion be referred to the Cabinet, Committee, or appropriate Officer for report;
 - (i) to exclude the public and press in accordance with the Access to Information Procedure Rules;
 - (j) to not hear a named Member further or to exclude them from the meeting; or
 - (k) that a motion, amendment, or other business be not considered if the Mayor considers it to be objectionable or undesirable in accordance with these council procedures rules.

26. CLOSURE MOTIONS

- 26.1. 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 a debate; or
 - (d) to adjourn the meeting.
- 26.2. If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, the Mayor will put the procedural motion to the vote. If it is passed the Mayor will give the mover of the original motion a right of reply before putting their motion to the vote.
- 26.3. If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, the Mayor will put the procedural motion to the vote. If it is passed the Mayor give the mover of the original motion a right of reply before putting their motion to the vote.
- 26.4. If a motion to adjourn the debate or to adjourn the meeting is seconded the Mayor will put the procedural motion to the vote. If the procedural motion is carried, either the matter being discussed, or all the items on the Agenda that have not been dealt with, as appropriate, will stand adjourned to the next ordinary meeting of the Council, or other appropriate meeting of the Council.

27. POINT OF ORDER

- 27.1. A Member may raise a point of order at any time. The Mayor will hear the Member immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules 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.

28. PERSONAL EXPLANATION

- 28.1. 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 a Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

29. PREVIOUS DECISIONS AND MOTIONS

- 29.1. 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 quarter of all Members.
- 29.2. 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 quarter of all Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.
- 29.3. This rule shall not apply to motions resulting from the report or recommendations of the Cabinet, a Committee, or an Officer; nor to motions to carry out any statutory duty of the Council, which in the opinion of the Mayor is urgent.

30. RECORDED VOTE

- 30.1. If five Members present at the meeting demand it, by a show of hands, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the Minutes or if the vote is electronically taken, for the individual results to be entered into the Minutes.
- 30.2. At any budget decision meeting of the Council a recorded vote shall be taken on any motion or amendment relating to making a budget decision. Immediately after any vote is taken relating to making a budget decision at a budget decision meeting of the Council there must be recorded in the Minutes of the proceedings of the meeting the names of the Members who cast a vote for the decision or against the decision and who abstained from voting or if the vote is electronically taken, for the individual results to be entered into the Minutes..

(Note: Under the Local Authorities (Standing Orders) (England) (Amendment)

Regulations 2014 the term ‘budget decision’ will include the setting of the Borough Council’s budget and the setting of the Council Tax. This Procedure Rule will apply to any meeting of the Council at which votes are taken on the Council’s budget and/or Council Tax.)

31. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

- 31.1. All of these Council Procedure Rules, except those which have statutory effect, may be suspended by motion on notice or without notice if at least one half of all Members of the Council are present. Suspension can only be for the duration of the meeting.
- 31.2. Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council. The Council cannot add to, vary or revoke any Procedure Rule which has statutory effect.

Section 2: RULES OF GENERAL APPLICATION TO ALL COMMITTEES

The rules stated below have applicability to all meetings of council appointed committees unless stated otherwise

1. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

- 1.1. The Council will operate a scheme of substitution in respect of Members on Committees other than the Standards Committee and in respect of other formally constituted meetings of Members.
- 1.2. Substitute Members will have all the powers and duties of any ordinary Member of the Committee or meeting.
- 1.3. Substitute Members may attend meetings as substitutes:
 - (a) to take the place of the ordinary Member for whom they are the designated substitute;
 - (b) where the ordinary Member will be absent for the whole of the meeting.
- 1.4. The detailed procedure governing substitutions is set out in Schedule 1 to these Procedure Rules.

2. PUBLIC PETITIONS

- 2.1. Provision shall be made at the beginning of ordinary meetings of the Council for members of the public to present petitions (which are received in accordance with the council's rules of procedure) and address the meeting. The appropriate Member will be given the opportunity to respond at the meeting

3. VOTING

- 3.1. Subject to any statutory requirements, any matter at a council meeting will be decided by a simple majority of those Members voting and present in the room at the time the question was put.
- 3.2. The Mayor/Chairman shall ascertain from the Governance representative or through confirmation from the electronic voting results, the numbers voting for or against any matter and their declaration of the result shall be conclusive.

4. MAYOR'S/CHAIRMAN'S CASTING VOTE

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

5. SHOW OF HANDS

- 5.1. Unless a recorded vote is demanded, the Mayor/Chairman will take the vote either by show of hands or electronically, or if there is no dissent, by the affirmation of the meeting.

6. RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED

- 6.1. Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the Minutes to show whether they voted for or against the motion or abstained from voting or if the vote is electronically taken, for these results to be entered into the Minutes.

7. VOTING ON APPOINTMENTS

- 7.1. 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.

8. MINUTES

- 8.1. Minutes of the proceedings of council meetings shall be drawn up and entered in a book kept for that purpose. These shall be signed by the person in the chair at the same or next meeting of that meeting. In the case of the minutes of an extraordinary council meeting, the next ordinary meeting will be treated as a suitable meeting for this purpose. Any minute purporting to be so signed shall be received in evidence without further proof.
- 8.2. The signed Minutes of a meeting shall, unless the contrary is proved, be proof that it was duly convened and held and that all the Members present were duly qualified. In the case additionally of Committees, the signed Minutes will, unless the contrary is proved, be proof that they had power to deal with the matters referred to in the Minutes.
- 8.3. The Mayor/Chairman shall put the question that the Minutes of the meeting of the Council held on the relevant date be approved as a correct record.
- 8.4. No discussion shall take place on the minutes, except on their accuracy and any question of their accuracy shall be raised by motion. If no such question is raised, or, if it is raised, then as soon as it has been disposed of, the Mayor/Chairman shall sign the minutes.
- 8.5. The minutes of all council meetings shall be made available electronically to all Members.
- 8.6. The signed copies of all such minutes shall be retained in either printed or electronic form by the Governance Services Manager.

9. RECORD OF ATTENDANCES

- 9.1. The names of the Members present at a council meeting shall be recorded.
- 9.2. It shall be the duty of each Member to enter their name in the official attendance list.

10. EXCLUSION OF PUBLIC

- 10.1. Members of the public and press may only be excluded from proceedings at council meetings either in accordance with the Access to Information Procedure Rules or where the Mayor/Chairman considers the Disturbance by Public Rules below apply.

11. DISTURBANCE BY PUBLIC

- 11.1. If a member of the public interrupts proceedings at any meeting of the council, the Mayor/Chairman will warn the person concerned. If they continue to interrupt, the Mayor/Chairman may order their removal from the meeting room.
- 11.2. If there is a general disturbance in any part of the meeting room open to the public, the Mayor/Chairman may call for that part to be cleared and for an adjournment of the meeting for as long as necessary or to another location.

12. MEMBERS' CONDUCT

- 12.1. If a Member at a meeting of the council disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may request the immediate discontinuance of this behaviour.
- 12.2. If the Member persists with the misbehaviour, the Chairman will rule that the Member be not heard further and/or that the Member shall leave the room for a period which the Chairman considers appropriate.
- 12.3. The Chairman has powers to take whatever measures they may consider necessary to secure the removal of, or prevent the Member from re-entering the room.
- 12.4. If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as they think necessary.

13. RESTRICTIONS DURING COMMITTEE MEETINGS

- 13.1. It is the general rule for no food to be eaten nor any alcohol drunk in the Chamber during any committee meetings.
- 13.2. Smoking is prohibited anywhere within the council building.
- 13.3. All mobile telephones or other electronic devices should either be switched off or put on silent mode so not to cause any disturbance to the conduct of

the meeting.

- 13.4. The Mayor/Chairman may issue a reminder at the start of the meeting to this effect.

14. INTERPRETATION OF PROCEDURAL RULES

- 14.1. The ruling of the Mayor/Chairman as to the construction or application of any of these Rules shall not be challenged at any meeting of the council.

15. RULES RELATING TO COMMITTEES

- 15.1. A committee shall meet on the date and time specified at the Annual Meeting of the Council.

- 15.2. The Governance Services Manager may:-

- (a) cancel a committee meeting if they consider there is insufficient business or
- (b) after consultation with the Committee Chairman and Leaders of the opposition parties, cancel, postpone or vary the day, hour or venue of a Committee meeting for any other good and substantial reason.

(In the absence of those mentioned, the Vice-Chairman of the Committee and Deputy Leaders of the opposition parties may be consulted instead)

- 15.3. In the case of 15.2(b), if, after consultation, any of the opposition parties disagree with the proposed change in meeting arrangements, the matter shall be referred to and determined by the Chief Executive, who shall have regard to the wishes (if any) expressed by the Groups and to the requirements of the fair and efficient conduct of the Council's business. Their decision shall be final.

16. SPECIAL MEETINGS OF COMMITTEES

- 16.1. The Governance Services Manager may summon a special meeting of a committee if they consider there is a good reason to do so.

- 16.2. A special meeting shall also be summoned if:

- a) a quarter of the Members of the Committee request it in writing or electronic mail to the Governance Services Manager or;
- b) at the request of the Chairman of the Committee or the Mayor, made in writing or electronic mail to the Governance Services Manager.

The summons shall set out the business to be considered at the special meeting, and no other business except that set out in the summons shall be considered at that meeting.

17. APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES

- 17.1. The Chairmen and the Vice-Chairmen of all Committees shall be appointed at the Annual Meeting of the Council unless owing to special circumstances the Council decide otherwise.
- 17.2. In the event of a casual vacancy occurring in the Chairman or the Vice-Chairman of a Committee, an appointment shall be made at the next ordinary meeting of the Committee.
- 17.3. Chairmen and Vice-Chairmen shall remain in office until their successors have been appointed.
- 17.4. In the absence of the Chairman, the Vice-Chairman shall take the chair and in the absence of the Chairman and Vice-Chairman the Members present may appoint a member of that committee to chair the meeting.
- 17.5. In the case of a Committee newly created during the course of the Municipal Year, the Chairman and Vice-Chairman shall be appointed from the majority group on the Council.

18. QUORUM

- 18.1. Except where authorised by statute, or permitted by the Council, no business can be dealt with at a meeting of any Committee unless at least half of the Membership of the Committee or five Members of it (whichever is the less) are present.

19. VOTING

- 19.1. All issues in Committee, where in doubt, shall be determined by show of hands or through an electronic vote.
- 19.2. In the case of an equality of votes at the meeting, the person presiding shall have a second or a casting vote.

20. PROPOSER OF MOTION MAY ATTEND

- 20.1. Provided it is permitted within the terms of reference of that committee, a Member who has moved a motion which has been referred to a committee shall have the right to attend the meeting of that committee, and if attending, shall have the opportunity of explaining the motion.

21. MEMBERS MAY ATTEND

- 21.1. Any Member may attend a meeting of the council even if he or she is not a Member of it. This rule shall not apply to meetings where they cannot do so legally or the proceedings are of a quasi-judicial nature (that is, where the committee is being required by law to exercise functions or powers similar to a court or tribunal) or in the case of Overview and Scrutiny Committees when exercising scrutiny functions and the Executive are excluded.

- 21.2. Except in relation to the Overview and Scrutiny Committees, when exercising scrutiny functions there will be no general right to speak unless required by those committees to do so.
- 21.3. A Member who attends a meeting of the council and who is not a member of that meeting shall not be permitted to vote on any item of the meeting.

22. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

- 22.1. At the Annual Council meeting, the appointment of a named substitute Member (one for each member of the committee) shall be made to quasi-judicial committees including Development Management Committee, Licensing Committee, Licensing and Regulated Entertainment Committee and Hackney Carriage Committee. All named substitutes must attend all relevant training for that committee.
- 22.2. There is no requirement for named substitute Members to be nominated to any other committees.
- 22.3. Substitutions are not permitted for meetings of the Cabinet, Standards Committee and Scrutiny Sub-Committees.
- 22.4. Group Leaders or Deputy Leaders must notify the Governance Services Manager in writing or by electronic mail, the appointment of any substitute Members to council meetings by 5pm of the day of that meeting, at the very latest.
- 22.5. In the notifications, the Group or Deputy Leaders must provide the following information to the Governance Services Manager:
 - a) name of meeting(s)
 - b) date of meeting(s)
 - c) name of member who will not be attending and name of member who will be substituting.
- 22.6. Individual Members cannot nominate their own substitutes, nor can a substitute nominate someone else to take his or her place.
- 22.7. If this procedure is not adhered to, the appointment will not be valid and the proposed substitute will have no rights of membership or voting on that committee.
- 22.8. Records of substitute nominations will be maintained and made available for public inspection.
- 22.9. The substitution will also be recorded in the Minutes of the meeting.
- 22.10. Withdrawal of any substitute nominations can be made up to the time of the meeting by either the Group or Deputy Leaders.

23. PETITIONS

- 23.1. The Council will treat something as a petition if it is identified as being a petition, or if it appears to be intended to be a petition, and it meets the criteria set out below.
- 23.2. Paper petitions can be sent to: Governance Services, Welwyn Hatfield Borough Council, The Campus, Welwyn Garden City, Herts, AL8 6AE.
- 23.3. Electronic petitions will also be accepted. These should be either submitted using the council's [ePetitions facility](#) or submitted as one document, containing either all the local persons' individual e-mails received by the organiser on a specific date, and those individual's names and addresses, or if a standard template e-mail has been used, the list of names, postal addresses and e-mail addresses of those supporting the petition. These petitions should be sent to democracy@welhat.gov.uk
- 23.4. When a petition is received the Council may consider undertaking one or more of the following actions:
 - (a) taking action as requested in the petition
 - (b) (through its officers) meeting with petitioners
 - (c) referring the petition to the Council or one of the Council's Committees
 - (d) calling a referendum (a referendum on constitutional change could be triggered with a petition submitted by 5% of the local government electors registered in the local authority's area).
- 23.5. Once a petition has been received, it will be assigned to a Governance Services Officer, who will be responsible for advising the petition organiser on the action to be taken by the authority. This will usually be within 10 working days.
- 23.6. The petition must relate to functions for which the Council has powers or duties or to improvements in the economic, social or environmental welfare of Welwyn Hatfield to which the Council can reasonably contribute.
- 23.7. Petitions submitted to the Council must include the following:
 - (a) a clear statement of the petitioners concerns and what they want the Council to do.
 - (b) the name and contact details of the petition organiser; this should be a local person*. This may be either a postal address or e-mail. This is the person we will contact to explain how we will respond to the petition and to discuss matters of process.
 - (c) the name (preferably in block capitals) and full address of each local person* who signs it. This will help the Council assess the extent to which the views expressed represent a particular locality. Where the petition is in paper form, this should include an actual signature. Where the petition is submitted in electronic form, a list of the names and postal addresses will suffice.

- 23.8. The petition organiser, or their nominee** will be able to speak at the meeting providing the following conditions are met:
- (a) the petition must relate to the powers and duties of that committee / body;
 - (b) it must be signed by at least 50 'local people' (see definition below) who have an interest in the subject of the petition - the addresses of the signatories must be included for this purpose;
 - (c) the petition must be received by no later than 12.00 noon, five clear working days before the meeting;
 - (d) it must be accepted by the Mayor/Chairman of the Committee for presentation at the meeting.

***A local person is defined as one who lives in, owns a business in, works in, or attends an educational facility in Welwyn Hatfield at the time the petition is submitted**

****Councillors cannot speak to petitions as a nominee under this procedure as they have other opportunities to make their views known.**

- 23.9. If a petition contains at least 1,500 signatures of local persons and complies with the criteria as set out above, the petition organiser can ask for it to be debated at a meeting of the Council. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will be deferred to a future meeting.
- 23.10. The petition organiser, or nominee, may speak to a petition presented at the Council meeting provided that the above conditions are met. The petition organiser, or nominee, will be given 5 minutes to present the petition at the meeting and the petition may be discussed by Councillors for a maximum of up to 15 minutes.
- 23.11. The Council will decide how to respond to the petition at this meeting. It may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to refer the petition to the appropriate committee for further consideration.
- 23.12. Where the petition organiser does not attend the meeting, they will receive written confirmation of this decision within ten working days of the meeting.
- 23.13. If there is an item/report on the agenda which relates to the petition, the petition organiser will usually be asked to make their presentation at the beginning of that item. The meeting will take into account the views expressed in the petition when reaching a decision on the issue. Time for presenting a petition will be limited to three minutes.
- 23.14. The person presenting the petition will not be allowed to take part in any subsequent debate by the committee members on the item/report to which the committee is considering.
- 23.15. If there is no relevant item on the agenda, petitions will usually be heard at the start of the meeting. The petition after its presentation cannot normally be discussed at the meeting but will be referred to officers to consider if a report

should be made to a future meeting of that or another committee. Petition organisers will receive a written confirmation of the outcome of their petition within ten working days of the meeting or as soon as reasonably possible.

- 23.16. Certain petitions are not covered by this scheme and are dealt with under separate processes. These are:
- (a) Petitions relating to planning applications. These are considered by the Council's Development Management Committee.
 - (b) Petitions relating to traffic regulation orders. These are considered by the Cabinet Planning and Parking Panel.
 - (c) Petitions in response to consultation on a specific issue or proposal. These should be sent to the return address as detailed in the relevant consultation document.
 - (d) Statutory petitions (for example requesting a referendum on having an elected mayor)
 - (e) A matter where there is an existing right of appeal
- 23.17. The Council will not consider:
- (a) Petitions that do not follow the guidelines set out in this scheme.
 - (b) Petitions that do not relate to something which is the responsibility of the authority or over which the authority has some influence.
 - (c) Petitions disclosing matters that are personal or confidential.
 - (d) Petitions which are in the opinion of the Monitoring Officer, in consultation with the relevant committee chairman, to be libellous, rude, offensive, vexatious, abusive or otherwise inappropriate, or which are in breach of the Council's statutory duties in respect of equality, diversity and inclusion.
 - (e) Petitions from, or submitted on behalf of a business, or person, where the main purpose of the petition is to influence a forthcoming commercial decision of the Council, or the terms and conditions of a commercial transaction.
 - (f) Duplicate petitions. Where more than one petition is received in time for a particular meeting, each supporting the same or similar outcomes, each petition organiser will be treated as an independent petition organiser, but only the organiser of the first petition to be received will be invited to address the relevant meeting.
 - (g) Repeat petitions. Petitions will not normally be considered within twelve months of another petition on the same or similar matter having been considered by the Council through any of its committees.
- Where any of the above applies, an officer of the Council will contact the petition organiser to explain the reasons behind the decision.
- 23.18. If the petition organiser considers that the Council has not dealt with the petition properly, he or she has the right to request that the Council's Chief Executive (or a senior officer nominated by the Chief Executive) reviews the steps that the Council has taken in dealing with and responding to the petition.

- 23.19. The petition organiser should write to the Chief Executive by no later than 14 days after the Council's response, providing a short explanation of the reasons why the Council's response is not considered to be adequate.
- 23.20. The Chief Executive (or the senior officer nominated by the Chief Executive) will initially acknowledge the request as soon as possible and will endeavour to respond substantively within 10 working days of receipt of the written request.