

Part 4 – Procedure Rules

Section 1 - Council and Committee meeting rules

NB: Underlined paragraph numbers denote rules that apply to committees in accordance with rule 4.1.4.

*denotes rules which cannot be suspended

4.1.1 Council procedure rules

4.1.2 *These rules set out how meetings of full Council, Committees and other bodies will be conducted.

4.1.3 Application

4.1.4 *All of these rules apply to the meetings of the full Council. Only rules 4.1.7-10, 4.1.22 – 37 and 4.1.147 – 176 apply to meetings of Committees, Sub-committees and other decision making bodies; they do not apply to meetings of the Cabinet. For ease of reference the paragraph numbers of those rules applying to all meetings are underlined.

4.1.5 *Where there is any inconsistency between these Council and Committee rules and the meeting specific rules that follow in the remainder of part 4 of the Constitution, the latter shall prevail.

4.1.6 *In the application of these rules to meetings other than full Council meetings, greater informality may be exercised at the discretion of the mayor of the meeting.

4.1.7 Interpretation

4.1.8 *The ruling of the Mayor or Chair at the meeting as to the construction or application of the rules that apply to that meeting shall not be challenged at the meeting.

4.1.9 Appointment of mayor

4.1.10 *If at any meeting the Mayor appointed by the Council is absent, and if no Deputy Mayor has been appointed by the Council, the meeting shall appoint a mayor for that meeting only. The Monitoring Officer or his/her representative at the meeting shall at the start of the meeting invite nominations for Mayor and will take a vote on a show of hands for those members nominated for Mayor.

4.1.11 Council meetings

4.1.12 *There are three types of Council meeting: annual, ordinary, and extraordinary. The table at paragraph 4.1.13 below sets out when these may take place.

4.1.13*

	Type of meeting	When
1	The annual meeting	<p>In each year following an election by thirds in May</p> <p>In a year when there have been all out ordinary elections, within 21 days of the retirement of outgoing Councillors</p>
2	Ordinary meetings	A minimum of six meetings a year as set out in a programme decided by the Council and, except that one ordinary meeting will be reserved as the budget meeting, with business as outlined in the table at 4.1.15 below.
3	Extraordinary meetings	<p>The Chief Executive may be requested to call a meeting by:</p> <ul style="list-style-type: none"> • Council, by resolution; • the Mayor of the Council; • the Monitoring Officer; or s151 Finance Officer • any five Members of the Council if they have signed a requisition stating the grounds for the extraordinary meeting and the business to be conducted at that meeting; presented it 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. <p>Any request or requisition for an extraordinary meeting of the Council shall state the purpose of the meeting and give notice of a motion to be debated, unless the purpose is to receive reports or adoption of recommendations of Committees, the Leader, Cabinet members or officers or any resolutions from them.</p> <p>No business other than that specified in the summons to the meeting may be considered at an extraordinary meeting.</p> <p>The Chief Executive will determine whether the stated business can wait until the next ordinary meeting of the Council and, if it cannot, will call an extraordinary meeting.</p>

--	--	--

4.1.14 Business to be carried out

4.1.15 *The business to be carried out at meetings of the Council is as set out below; those items marked with * are compulsory items the order of which cannot be altered.

	Item of business	Type of meeting		
		Annual	Ordinary	Extra-ordinary
1	Elect a person to preside if the Mayor and Vice-mayor of the council are not present	✓*	✓*	✓*
2	Elect the Mayor of the Council	✓*		
3	Appoint the Deputy Mayor of council	✓*		
4	Receive any apologies for absence	✓*	✓*	✓*
5	Receive any declarations of interest	✓*	✓*	✓*
6	Approve the minutes of the previous meeting(s)	✓*	✓*	
7	Receive any announcements from the Mayor and/or Chief Executive	✓	✓	
8	Elect the Leader of the Council	✓*		
9	Appoint the Chair of Committees and other bodies	✓*		
10	Appoint at least one Scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions	✓*		
11	Decide the size and terms of reference of those Committees	✓*		
12	Decide the allocation of seats on Committees and other bodies to political or other groups in accordance with the political balance rules	✓*		
13	Make such appointments to Committees or outside bodies as are reserved to the Council	✓*		

14	Approve a programme of ordinary meetings of the Council for the year	✓	✓	
15	Consider any other business specified in the summons to the meeting	✓	✓	✓
16	Receive any questions from, and provide answers to, members of the public. In the case of extraordinary meetings and budget questions must relate to items on the agenda		✓	✓
17	Receive recommendations on statutory plans or other matters that are reserved to the Council		✓	
18	Consider and debate any petitions which have reached the threshold for Council consideration		✓	
19	<p>Receive the following reports from the Leader of the Council (on which they may be questioned and if so, answer questions for a period of 15 minutes):</p> <ul style="list-style-type: none"> the work of the Cabinet since the last meeting including a summary of those matters decided by the Cabinet, Cabinet member or any executive joint committee, and any decisions taken under the urgency provisions; at the annual meeting (except in a year when there are all out ordinary elections) an annual report on the priorities of the Cabinet and progress made in meeting those priorities; and any report to the Council 		✓	

	required by a scrutiny committee			
20	Consider motions and debate those motions in an order which alternates between the political groups represented on the Council. At the budget meeting motions must relate to the agenda or be time critical.		✓	
21	Receive any questions from and provide answers to members of the Council. At the budget meeting questions must relate to items on the agenda		✓	

4.1.16 Time of meetings

4.1.17 *Meetings of the full Council will usually be at 7pm or any other such time as the Mayor agrees, and will continue for a maximum of three hours, excluding the period taken up by public question time .

4.1.18 *At the expiry of three hours, excluding the period taken up by public questions, the Mayor may determine:

- (a) that the meeting continue beyond three hours duration; or
- (b) that the remaining business to be conducted at the meeting be:
 - (i) deferred to the next meeting; or
 - (ii) deferred to an extraordinary meeting called for the purpose of dealing with any remaining business; or
 - (iii) put to the vote immediately in the order that the business appears on the agenda or in any order determined by the Mayor; or
 - (iv) some business be put to the vote immediately and other business deferred in accordance with rules (i) and (iii) above; or
- (c) the meeting be adjourned to resume later that day after a specified break provided that the remaining business can reasonably be expected to last no more than two additional hours and cannot be deferred until the next meeting.

- 4.1.19 *The Mayor has discretion to:
- order the adjournment of any meeting;
 - following consultation with the Leader of the Council, alter the date or time of any meeting;
 - cancel or postpone a meeting in the event of an emergency or where there is no business requiring Council approval

4.1.20 Notice of meetings

- 4.1.21 *The Chief Executive will, through publication on the Council's website, give five clear working days' notice to the public of the time and place of any meeting (or otherwise in cases of urgency as in accordance with the access to information rules (part 4 section 2).

4.1.22 Conduct of the meeting

- 4.1.23 *The Mayor's powers and responsibilities in relation to the conduct of a meeting may be exercised by the person presiding at the meeting. A decision by the Mayor on the meaning of the constitution cannot be challenged at a meeting.

4.1.24 Quorum (minimum number of members)

- 4.1.25 *Subject to any specific statutory requirement, the quorum of a meeting will be one quarter of the whole number of voting members, or three voting members, whichever is the greater.

- 4.1.26 *If a quorum is not reached within 15 minutes after the time appointed for the start of the meeting, the meeting will be adjourned without debate.

- 4.1.27 *During any meeting if the person chairing the meeting counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately.

- 4.1.28 *Subject to 4.1.29 remaining business will be considered at a time and date fixed by the person chairing the meeting. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

- 4.1.29 *The meeting will resume immediately if it becomes apparent to the person who was chairing it within 10 minutes of the adjournment under 4.1.27 that there are sufficient members present to constitute a quorum.

4.1.30 Variations in order of business

- 4.1.31 *The mayor has discretion to vary the order of business in setting the agenda other than where indicated in the table at paragraph 4.1.15

above. The compulsory order of business for ordinary meetings of the Council applies to all Cabinet and Committee meetings of the Council.

- 4.1.32 *A proposed variation at the meeting may be moved by the Mayor or any other member. Where moved by the mayor there is no need for it to be seconded. The variation will be put to the vote immediately without debate.

4.1.33 Petitions

- 4.1.34 The Mayor will be available 30 minutes before an ordinary Council meeting to receive petitions. During the meeting, as part of Mayor's announcements, any petitions received will be formally passed to the relevant Cabinet member or Committee chair who will respond in writing to the petition organiser. All petitions received, and responses provided will be published on the Council's website.

- 4.1.35 If a petition has been signed by more than 2500 of those registered to vote in Bury, and has not been rejected by the Monitoring Officer or relevant Cabinet member it may be submitted to a meeting of the Council if the petition organiser wishes. This will normally be at the next scheduled ordinary meeting of the Council, other than the meeting which is reserved for the budget. Guidance on how to submit a petition and reasons why a petition might be rejected are set out in the Public Participation Guide (Part 5 Section 8).

- 4.1.36 The Council will decide how to respond to the petition at this meeting. They may decide to:
- (a) take the action the petition requests (if it relates to a matter reserved to the Council);
 - (b) not to take the action requested for reasons put forward in the debate;
 - (c) refer the matter for investigation and report back (if it relates to a matter reserved to the Council); or
 - (d) refer the matter to the Leader or Cabinet to respond (and in doing so may make recommendations they would wish that body to consider).

- 4.1.37 Not Used

4.1.38 Questions by the public

- 4.1.39 Questions may be asked by members of the public who live or work in Bury at the following public meetings of the Council:

- Full Council (not annual or extraordinary)

- Cabinet (see cabinet rules)
- Audit and governance committee
- Health and wellbeing board
- Employment panel
- Scrutiny committees (see scrutiny rules)
- Licensing and Safety Committee

4.1.40 A period of up to 30 minutes, will be allocated for questions and supplementary questions. This period may be varied at the discretion of the mayor.

4.1.41 At meetings of Full Council, members of the public may ask questions of members of the Cabinet and any chair of a Committee of the Council; at other public meetings of the council where public questions are permitted the question should be addressed to the mayor of that committee.

4.1.42 **Notice of public questions**

4.1.43 A question may only be asked if notice has been given by delivering it in writing to the Monitoring Officer, Bury Council, Town Hall, Bury or by email (democraticservices@bury.gov.uk) to the monitoring officer no later than midday two clear working days before the day of the meeting (e.g. midday on a Friday where the meeting is on a Wednesday). Each question must give the name and address of the questioner (although only the name and town will be published) and identify who the question is addressed to. Copies of all accepted questions and answers shall be published on the Council website after the meeting and shall be made available to the public attending the meeting.

4.1.44 **Order of public questions**

4.1.45 Questions will be answered in the order in which they are received. If time permits, further questions may be invited from members of the public present.

4.1.46 **Number of public questions**

4.1.47 A member of the public may submit only one question at any meeting of the Council.

4.1.48 **Scope of public questions**

4.1.49 The Monitoring Officer is authorised to reject a question in accordance with the following criteria:

- (a) it is in multiple parts;
- (b) it is not about a matter for which the council has a responsibility or which affects Bury

- (c) where a question is asked at a meeting other than Full Council not relating to the function of the committee or an item of the agenda;
- (d) it is defamatory, frivolous or offensive;
- (e) it is substantially the same as or similar to a question which has been put at a meeting of the Council, a Committee of the Council, or Cabinet in the past six months;
- (f) it requires the disclosure of confidential or exempt information or relates to an identifiable individual;
- (g) it is from a Council employee and the question is connected to their employment; or
- (h) it relates to a planning application or licensing application.

4.1.50 If a question is rejected, the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

4.1.51 Where a question is accepted but it is directed at the incorrect meeting because of criteria (d) above. The Monitoring Officer is authorised to direct the question to the correct meeting.

4.1.52 Supplementary questions

4.1.53 A questioner who is present at the meeting and who has submitted a written question may, at the discretion of the Mayor, ask one supplementary question. A supplementary question must arise directly out of the original question or the reply.

4.1.54 Answers to public questions

4.1.55 Answers to accepted questions will be published after the meeting. An answer to a supplementary question will be provided by the member to whom the question was put or his/ her nominee. The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will normally be provided within ten working days of the meeting. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

4.1.56 Restrictions on asking public questions

4.1.57 No questions may be asked at the annual meeting of the Council.

4.1.58 No questions may be asked at the budget meeting except in relation to reports published with the agenda.

4.1.59 No questions may be asked at an extraordinary meeting of the Council except in relation to reports published with the agenda.

4.1.60 Written Questions from Councillors

4.1.61 Written Questions may be asked by members of the council at Full Council

A period of up to 30 minutes will be allocated for questions and supplementary questions from members of the council. This period may be varied at the discretion of the mayor.

4.1.62 A member may ask the leader, any member of the Cabinet or Chair of a Committee a question about any matter in relation to which the Council has powers or duties or which affects the borough, in accordance with these council rules.

4.1.63 Notice of written questions

4.1.64 A member may ask a question only if either:

- (a) notice has been given by delivering it in writing or by email (democraticservices@bury.gov.uk) to the Monitoring Officer no later than midnight six clear working days before the day of the meeting (e.g. midnight on the Monday where the meeting is on a Wednesday the following week); or
- (b) if the question relates to urgent matters, they have the consent of the member to whom the question is to be put, and the question is delivered to the monitoring officer (as above) by 9.30 am on the day of the meeting, or half an hour before the start of the meeting whichever is the earlier.

4.1.64A Oral Questions from Councillors

Oral Questions may be asked by members of the council at Full Council

A period of up to 15 minutes will be allocated for questions and supplementary questions from members of the council. This period may be varied at the discretion of the mayor.

4.1.62 A member may ask the leader, any member of the Cabinet or Chair of a Committee a question about any matter on the Council Agenda and which the Council has powers or duties or which affects the borough, in accordance with these council rules.

4.1.65 Scope of questions

4.1.66 The Monitoring Officer is authorised to reject a question in accordance with the following criteria:

- (a) it is in multiple parts;
- (b) it is not about a matter for which the council has a responsibility or which affects Bury
- (c) where a question is asked at a meeting other than Full Council not relating to the function of the committee or an item of the agenda;
- (d) it is defamatory, frivolous or offensive;
- (e) it is substantially the same as or similar to a question which has been put at a meeting of the Council, a Committee of the Council, or Cabinet in the past six months;
- (f) it requires the disclosure of confidential or exempt information or relates to an identifiable individual;
- (g) it is from a Council employee and the question is connected to their employment; or
- (h) it relates to a planning application or licensing application.

4.1.67 If a question is rejected, the member who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

4.1.68 Where a question is accepted but it is directed at the incorrect meeting because the meeting does not exercise the function being questioned. The Monitoring Officer is authorised to direct the question to the correct meeting.

4.1.69 Asking the Question at the meeting

4.1.70 The Mayor will invite the questioner to put the question to the member named in the notice.

4.1.71 Asking a supplementary question

4.1.72 A member who has put a question in person may also ask one supplementary question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in 4.1.69 above, or if the question takes the form of a statement or more than a minute to ask.

4.1.73 Answers to Councillors' questions

4.1.74 An answer to an accepted question will be published after the meeting. The answer to a supplementary question will be provided by the member to whom the question was put or their nominee. The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot be conveniently given orally, if the questioner or the member to whom the question is put is absent, or the time allowed for Councillors' questions has expired, a written answer will normally be provided within ten working days of the meeting. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

4.1.75 Restrictions on asking Member questions

4.1.76 No questions may be asked at the annual meeting of the Council.

4.1.77 No questions may be asked at the budget meeting except in relation to those items listed on the agenda.

4.1.78 No questions may be asked at an extraordinary meeting of the Council except in relation to those items listed on the agenda.

4.1.79 Members may submit no more than two written questions at any one meeting.

4.1.75A Combined Authority Update

A Member of the Council may ask:

- The member of the Council appointed to a Joint Authority and nominated by the Council as spokesperson for that Authority
- The member of the Council appointed as the Council's representative on an outside body or partnership

A question relating to the functions of Joint Authorities or the work of put side bodies or partnerships, provided notice in writing has been given to the Chief Executive at least six working days prior to the meeting. Questions to Joint Authority representatives is limited to a period of 15 minutes.

Joint Authority representatives will be required to attend Overview and scrutiny Committee meeting on a regular basis to provide an update.

4.1.80 Motions

4.1.81 There are two types of motion: those which can be moved during debate (known as motions without notice), and those for which notice is required. Except for motions which can be moved without notice under these Council rules, written notice of every motion, signed by the proposer and the seconder, must be delivered, or submitted

electronically to the monitoring officer not later than midday 10 clear working days before the date of the meeting (i.e. Tuesday two weeks before, when the meeting is on a Wednesday). A political group cannot propose more than one motion on notice per meeting.

- 4.1.82 Motions on notice may be amended in consultation with the monitoring officer at any time prior to the publication of the agenda by the member(s) who have signed the notice provided that such amendment shall not change the subject matter of the motion.

4.1.83 Motions set out in the agenda

- 4.1.84 Motions for which notice has been given will be listed on the agenda. The order on the agenda will alternate between the Political Groups, to a maximum of 4, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

4.1.86 Scope

- 4.1.87 Motions must be about matters for which the Council has a responsibility or which affect the borough. The Mayor may, on the advice of the monitoring officer, refuse a motion which is illegal, irregular or improper, (subject to paragraph 4.1.132) relates to a matter which has been the subject of debate or decision by the Council in the previous six months, or is otherwise out of order.

- 4.1.88 if the motion requires referral to either Cabinet or a Committee of the Council, a report must be at a Council meeting within six months of the date of debate on the motion.

4.1.89 Exceptions

- 4.1.90 Where, following publication of the agenda for a meeting of the Council, an urgent matter directly affecting part or all of the borough arises and it is not practical to defer consideration of the motion to the next ordinary meeting of the Council a motion signed by two members may be accepted by the mayor following consultation with the Monitoring Officer.

4.1.91 Motions without notice

- 4.1.92 The following motions may be moved without notice:

- (a) to appoint a person to preside at the meeting at which the motion is moved
- (b) to amend the minutes on a matter of accuracy
- (c) to change the order of business in the agenda where these procedure rules allow

- (d) to refer something to an appropriate body or individual to consider or reconsider
- (e) to withdraw a motion
- (f) to amend a motion (refer to para 4.1.102 below)
- (g) to proceed to the next business
- (h) that the question be now put
- (i) to adjourn a debate
- (j) to adjourn a meeting
- (k) that the meeting continue beyond three hours duration
- (l) to exclude the public in accordance with the access to information procedure rules
- (m) not to hear a member further or to require a member to leave the meeting
- (n) to give the consent of the Council where its consent is required by this constitution
- (o) to suspend a specified Council rule it is permitted to suspend
- (p) to request a recorded vote
- (q) to remove the Leader following a change in political control.

4.1.93 Rules of debate

4.1.94 A debate will commence only when a proposal has been made, explained and seconded.

4.1.95 No member may speak unless called upon by the Mayor.

4.1.96 Speeches must be directed to the matter being debated.

4.1.97 When a member may speak

4.1.98 Members may speak as detailed in the table below. The flow chart attached at appendix 1 to this section summarises the process of debate:

Purpose of speech	Who can make the speech	Length of speech
Present a report	Leader, Cabinet member, Committee chair r	5 minutes
Propose original motion	Proposer	5 minutes
Second the motion	Secunder (may reserve their right to speak until the end of the debate)	3 minutes

Propose an amended motion	Any member other than proposer/seconders of original motion	3 minutes
Second an amended motion	Any member other than proposer/seconders of original motion	3 minutes
Speak during debate	Any member other than proposer and seconders of amended motion and proposer of the original motion	3 minutes
Right of reply to debate on amended motion	Proposer of original motion	3 minutes
Respond to specific question	Cabinet member	2 minutes
Propose the budget	Leader	10 minutes
Second the budget	Deputy Leader	5 minutes
Respond to budget proposals	Group leaders	5 minutes
Right to reply to budget debate	Leader	5 minutes
Point of order	Any member	2 minutes
Personal explanation	Any member	2 minutes

4.1.99 Amendments to motions

4.1.100 An amendment must be relevant to the motion and may alter the wording as long as the effect is not to negate the motion. Unless notice of the amended motion has already been given, the Mayor may require it to be written down or in its altered form to be written down and handed to them before it is discussed

4.1.101 Amendments will be considered in the order in which they are received or tabled. No further amendment may be moved until the amendment under discussion has been debated and voted on.

4.1.102 If an amended motion is not carried, other amendments to the original motion may be moved.

4.1.103 If an amended motion 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.

4.1.104 After an amended motion has been carried, the Mayor will read out the substantive motion before accepting any further amendment, or if there is none, it is put to the vote.

4.1.105 Not used

- 4.1.106 Where an amendment to a recommendation from the cabinet in relation to a budget and policy framework item is being proposed, members making such an amendment must have consulted with the relevant director to determine the context and possible consequences of the proposal and have secured confirmation from the s151 finance officer that the action proposed is achievable before submitting the amendment, in accordance with the Budget and Policy Framework Rules.
- 4.1.107 Where an amendment to a recommendation from the Cabinet in relation to a budget and policy framework item is approved by the Council, the Leader, on behalf of the cabinet, may indicate acceptance of the amendment.
- 4.1.108 Alteration of motion**
- 4.1.109 A member may alter a motion of which they have given notice with the consent of the seconder and the meeting. The meeting's consent will be signified without discussion.
- 4.1.110 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 will be signified without discussion.
- 4.1.111 Only alterations which could be made as an amendment may be made.
- 4.1.112 Withdrawal of motion**
- 4.1.113 A member may withdraw a motion which they have moved without the consent of either the meeting and/or the seconder.
- 4.1.114 Right of reply**
- 4.1.115 The proposer of an original motion has a right to reply at the close of the debate on the motion,
- 4.1.116 If an amended motion is proposed, the proposer of the original motion has a right of reply at the close of debate on the amended motion, but may not otherwise speak on the amendment.
- 4.1.117 The proposer of an amended motion shall have no right of reply to the debate on the amendment.
- 4.1.118 Motions which may be moved during debate**
- 4.1.119 When a motion is under debate, no other motion may be moved except the following:

- (a) to withdraw the motion
- (b) to amend the motion
- (c) to proceed to the next business;
- (d) that the question be now put
- (e) to adjourn a debate
- (f) to adjourn a meeting
- (g) that the meeting continue for a further half hour
- (h) to exclude the press and public in accordance with the access to information rules
- (i) that a member be not further heard or to exclude the member from the meeting.

4.1.120 Closure motions

4.1.121 A member may move without comment the following motions at the end of a speech of another member:

- (a) that the question be now put
- (b) to adjourn a debate
- (c) to adjourn a meeting.

4.1.122 If a motion that the question be now put is seconded and the Mayor thinks the item under discussion has been sufficiently discussed, the proposer of the original motion will have a right of reply before the matter is put to the vote. Any member who has reserved their right to speak later in the debate will not be heard.

4.1.123 Point of order

4.1.124 A member may raise a point of order at any time and the Mayor will hear it immediately. A point of order may only relate to the alleged breach of these council rules or the law. The member must indicate the section and the way in which they consider it has been broken. The ruling of the Mayor on the matter will be final and there will be no debate on the matter.

4.1.125 Personal explanation

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

4.1.127 Conduct of the debate

4.1.128 A member may indicate their wish to speak and shall wait to be called by the mayor. If more than one member so indicates the mayor shall call on them individually and in turn to speak.

4.1.129 Motion to rescind a previous decision

4.1.130a A motion or amendment to rescind a decision made at a meeting of the Council within the past six months cannot be moved

4.1.130b A Committee or Sub-committee of the Council acting under delegated powers may rescind a resolution adopted under delegated powers within a period of six months provided the Summons to attend the meeting of the Committee or Sub-committee contains a notice that the matter is to be reconsidered

4.1.131 Motion similar to one previously rejected

4.1.132 A motion or amendment in similar terms to one which has been rejected at a Council meeting within the past six months cannot be moved.

4.1.133 *Once a motion or amendment to which this rule applies has been dealt with, no member can propose a similar motion or amendment within the next six months.

4.1.134 Voting majority

4.1.135 *Unless this constitution (or the law) provides otherwise any matter will be decided by a simple majority of those present and voting in the room at the time the question was put.

4.1.136 Mayor's casting vote

4.1.137 *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.

4.1.138 On the voices and show of hands

4.1.139 *Unless a recorded vote is requested the Mayor will ask the meeting to signify agreement on the voices unless the decision on the voices is unclear in which case the Mayor will take the vote by a show of hands.

4.1.140 Recorded vote

4.1.141 *If at least eight members (or pro-rata for other Committees to which these rules apply) present at the meeting requested it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and recorded in the minutes. All votes taken at a

budget decision meeting and relating to a budget decision are to be recorded votes.

4.1.142 *Reference to a “budget decision meeting” for the purposes of 4.1.143 means a meeting of the Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, or 52ZJ of the Local Government Finance Act 1992 and includes a meeting where making the calculation was included as an item of business on the agenda for that meeting.

4.1.143 Right to require individual vote to be recorded

4.1.144 *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.

4.1.145 Voting on appointments

4.1.146 *Where 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.

4.1.147 Keeping of minutes

4.1.148 *Minutes of the proceedings of each meeting of the Council will be prepared and will be published on the Council’s website.

4.1.149 Signing the minutes

4.1.150 *The Mayor will sign the minutes at the next available meeting. The mayor will move that the minutes of the previous meeting be signed as a correct record. There will be no debate or questioning on matters arising from the minutes; only matters of accuracy may be determined.

4.1.151 Record of Attendance

 The Chief Executive will record the names of all members present during the whole or part of a meeting.

4.1.152 No requirement to sign minutes of previous meeting at an extraordinary meeting

4.1.153 *Where in relation to any meeting, the next meeting for the purposes of signing the minutes is an extraordinary meeting, then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purpose of signing of minutes.

4.1.154 Exclusion of the public

- 4.1.155 *The public and press may only be excluded either in accordance with the access to information rules (part 4 section 2) or in the case of disturbance by the public in accordance with these council rules 4.1.164.

4.1.156 Members' conduct

- 4.1.157 *When the Mayor stands during a debate any member(s) then speaking must discontinue and the Council must be silent.
- 4.1.158 *If a member is guilty of misconduct by persistently disregarding the ruling of the Mayor of the council, or by behaving irregularly, improperly or offensively, or by deliberately obstructing business, any member may move that that member is not further heard. If seconded, the motion will be voted on without discussion.
- 4.1.159 *If the member continues to behave improperly after such a motion is carried, any member may move either that the member leave the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.
- 4.1.160 *If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as they think necessary.
- 4.1.161 *The decision as to whether misconduct is taking place shall rest with the Mayor who will have due regard to the councillor code of conduct.

4.1.162 Disturbance by the public

- 4.1.163 *If a member of the public interrupts proceedings, the Mayor will warn the person concerned and, if the interruption continues, will order the person's removal from the meeting room.
- 4.1.164 *If there is a general disturbance in any part of the meeting room open to the public the mayor shall order that part to be cleared and the Mayor may for that purpose adjourn the meeting for as long as is needed, and may resume the meeting with or without members of the public being admitted and/or at another location deemed appropriate

4.1.165 Suspension and amendment of council rules

- 4.1.166 *Any of the Council rules may be suspended for all or part of the business of a meeting at which suspension is moved by a motion, except rules 4.1.1 to 4.1.31, 4.1.135 to 4.1.167, and 4.1.170 to 4.1.176. For ease of reference the rules which cannot be suspended are identified by the symbol *

4.1.167 *Such a motion cannot be moved without notice unless at least two thirds of the whole number of members of the Council is present. Suspension shall be limited to the duration of the meeting or the determination of a particular item of business if appropriate and as specified in the motion.

4.1.168 **Recording, filming and reporting of meetings**

4.1.169 Where meetings of the Council are open to the public, any person attending may record, film or report meetings, provided that in doing so there is no disturbance to the meeting.

4.1.170 ***Interests under the Councillors' Code of Conduct**

4.1.171 *Members must abide by the Councillors' Code of Conduct (part 5 section 1) adopted by the Council and declare all schedule 1, schedule 2 and other interests in accordance with the code. Where a member has identified and declared a schedule 1 interest, that member shall immediately vacate the room or chamber where the meeting is taking place (including any public area) unless a dispensation has been granted.

4.1.172 ***Confidentiality**

4.1.173 *All reports and other documents marked "confidential" or "exempt from publication" shall be so treated unless they become public in the ordinary course of the Council's business. Such determination shall ordinarily be made by the monitoring officer having regard to the access to information rules. Further, all members must comply with the obligations as to confidentiality set out in the Councillors' Code of Conduct (part 5 section 1). Any alleged breaches shall be referred by the Mayor of the Council to the Monitoring Officer for consideration and report if not previously referred by some other person. The Mayor may require the surrender of such material at the end of discussion of the relevant item.

4.1.174 **Substitution**

4.1.175 The Monitoring officer on behalf of the Chief Executive may receive notice from a group leader or authorised nominee on behalf of that group that a different member of their group shall be substituted at a meeting for the member previously allocated to a place on a committee, sub-committee or other body to which the proportionality rules apply for the duration of that meeting. The giving of notice by email no later than 12 noon on the day of the meeting is encouraged.

4.1.176 The Monitoring Officer (in consultation with the ungrouped member(s) concerned) may substitute another ungrouped member for an ungrouped member who has notified the Monitoring Officer in writing

that they are unable to attend a meeting for the duration of that meeting. Such notification must be given no later than 12 noon on the day of the meeting.

ENDS

Appendix 1

Take in Flow Chart of Rules of Debate here

1. Amendments to motions can be moved at any time during the debate
2. Please note that this flowchart does not apply to the annual budget debate. The budget debate rules are set out in Part 4, Section 3 of the constitution