

## **Section 1 – Council procedure rules**

These rules set out how meetings of full Council, will be conducted \* denotes rules which cannot be suspended.

### **4.1.1 Application**

\* All of these rules apply to the meetings of the full Council.

### **4.1.2 Interpretation**

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

### **4.1.3 Appointment of mayor**

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.

### **4.1.4. Council meetings**

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

| <b>No</b> | <b>Type of meeting</b> | <b>When</b>                                                                                                                                                                                                   |
|-----------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1         | The annual meeting     | In each year following an election by thirds in May.<br>In a year when there have been all out ordinary elections, within 21 days of the retirement of outgoing Councillors                                   |
| 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 below. |
| 3         | Extraordinary meetings | The Chief Executive may be requested to call a meeting by: <ul style="list-style-type: none"><li>• Council, by resolution;</li></ul>                                                                          |

| No | Type of meeting | When                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                 | <ul style="list-style-type: none"> <li>the Mayor of the Council;</li> <li>the Monitoring Officer; or s151 Finance Officer</li> <li>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.</li> </ul> <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> |

#### 4.1.5. Business to be carried out

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.

| Items of business and types of meeting |                                                                                        |                |                  |                        |
|----------------------------------------|----------------------------------------------------------------------------------------|----------------|------------------|------------------------|
| No.                                    | Item of business                                                                       | Annual meeting | Ordinary meeting | Extra-ordinary meeting |
| 1                                      | Elect a person to preside if the Mayor and Deputy-mayor of the council are not present | Yes **         | Yes **           | Yes **                 |
| 2                                      | Elect the Mayor of the Council                                                         | Yes **         | -                | -                      |
| 3                                      | Appoint the Deputy Mayor of council                                                    | Yes **         | -                | -                      |
| 4                                      | Receive any apologies for absence                                                      | Yes **         | Yes **           | Yes **                 |
| 5                                      | Receive any declarations of interest                                                   | Yes **         | Yes **           | Yes **                 |
| 6                                      | Approve the minutes of the previous meeting(s)                                         | Yes **         | Yes **           | -                      |
| 7                                      | Receive any announcements from the Mayor and/or Chief Executive                        | Yes            | Yes              | -                      |
| 8                                      | Elect the Leader of the Council                                                        | Yes **         | -Yes             | -Yes                   |

| Items of business and types of meeting |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                |                  |                        |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|------------------|------------------------|
| No.                                    | Item of business                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Annual meeting | Ordinary meeting | Extra-ordinary meeting |
| 9                                      | Appoint the Chair of Committees and other bodies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Yes **         | -Yes             |                        |
| 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                                                                                                                                                                                                                                                                                                                                                                             | Yes **         | -Yes             | -                      |
| 11                                     | Decide the size and terms of reference of those Committees                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Yes **         | Yes              | -                      |
| 12                                     | Decide the allocation of seats on Committees and other bodies to political or other groups in accordance with the political balance rules                                                                                                                                                                                                                                                                                                                                                                                                                                   | Yes **         | -Yes             | -                      |
| 13                                     | Make such appointments to Committees or outside bodies as are reserved to the Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Yes **         | -Yes             | -                      |
| 14                                     | Approve a programme of ordinary meetings of the Council for the year                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Yes            | Yes              |                        |
| 15                                     | Consider any other business specified in the summons to the meeting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Yes            | Yes              | Yes                    |
| 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                                                                                                                                                                                                                                                                                                                                                                                                    | -              | Yes              | Yes                    |
| 17                                     | Receive recommendations on statutory plans or other matters that are reserved to the Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | -              | Yes              | -                      |
| 18                                     | Consider and debate any petitions which have reached the threshold for Council consideration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | -              | Yes              | -Yes                   |
| 19                                     | <p>Receive the following reports from the Leader of the Council (on which they may be questioned and if so, answer written questions for a period of 30 minutes and verbal questions for a period of 20 minutes):</p> <ul style="list-style-type: none"> <li>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;</li> <li>at the Annual meeting (except in a year when there are all out ordinary</li> </ul> | -              | Yes              | -                      |

| Items of business and types of meeting |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                |                  |                        |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|------------------|------------------------|
| No.                                    | Item of business                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Annual meeting | Ordinary meeting | Extra-ordinary meeting |
|                                        | <p>elections) an Annual report on the priorities of the Cabinet and progress made in meeting those priorities; and</p> <ul style="list-style-type: none"> <li>any report to the Council required by a scrutiny committee</li> <li>report on the work of the Combined Authority (appointed representatives to present on a rotational basis) of which there will be presentation for 5 minutes, verbal questions for 5 minutes, and 10 minutes for all other questions to the Combined Authority.</li> </ul> |                |                  |                        |
| 20                                     | <p>Consider motions and debate those motions in an order which alternates between the political groups represented on the Council.</p> <p>At the budget meeting motions must relate to the agenda or be time critical.</p>                                                                                                                                                                                                                                                                                  |                | Yes              |                        |

#### 4.1.6. Time of meetings

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.

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

- (4) (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.

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

#### **4.1.7. Notice of meetings**

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).

#### **4.1.8. Conduct of the meeting**

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.

#### **4.1.9. Quorum**

Subject to any specific statutory requirement, the quorum of a Full Council meeting will be one quarter of the whole number of voting members.

4.1.9.1 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.

4.1.9.2 \* 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.

4.1.9.3 \* Subject to 4.8.4 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.

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

#### **4.1.10 Variations in order of business**

The mayor has discretion to vary the order of business in setting the agenda.

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.

#### **4.1.11. Petitions**

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. (Public Participation guide Part 5).

#### **4.1.12. Questions by the public**

Questions may be asked by members of the public who live or work in Bury on any matter relevant to the Council or its services to the community.

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. Members of the public may ask questions of Members of the Cabinet and any chair of a Committee of the Council.

#### **4.1.13. Notice of public questions**

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 ([democratic.services@bury.gov.uk](mailto:democratic.services@bury.gov.uk)) no later than midday two days before the day of the meeting (e.g. midday on a Monday 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.

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.

#### **4.1.14. Order and number of public questions**

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.

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

#### **4.1.15. Scope of public questions**

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) it is defamatory, frivolous or offensive;
- (d) it is substantially the same as or similar to a question which has been put at a meeting of the Council, in the past six months;
- (e) 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.

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.

Where a question is accepted but it is directed at the incorrect meeting The Monitoring Officer is authorised to direct the question to the correct meeting.

#### **4.1.16. Answers to public questions**

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 and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

#### **4.1.17. Restrictions on asking public questions**

No questions may be asked at the Annual Meeting of the Council.

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

#### **4.1.18. Written Questions from Councillors**

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.

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.

#### **4.1.19. Notice of written questions**

A member may ask a question only if either:

(a) notice has been given by delivering it in writing or by email [democratic.services@bury.gov.uk](mailto:democratic.services@bury.gov.uk) to the Monitoring Officer no later than midday six clear working days before the day of the meeting (e.g. midday on the Monday where the meeting is on a Wednesday the following week); or

b) Questions will alternate between the political groups represented on the Council and will be ordered politically proportionally; each Member will be able to submit two question with a maximum of eight questions per group.

#### **4.1.20. Oral Questions from Councillors**

Oral Questions may be asked by members of the council at Full Council. A period of up to 20 minutes will be allocated for questions. This period may be varied at the discretion of the mayor.

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.

Leaders of each of the opposition groups will be invited to put their questions first. Questions will alternate between the political groups and will be ordered politically proportionally.

#### **4.1.21. Scope of questions – See 4.1.15 above**

#### **4.1.22. Asking the Question at the meeting**

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

#### **4.1.23 Asking a supplementary question**

A member who has submitted a written question 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

4.1.15 above, or if the question takes the form of a statement or more than a minute to ask.

#### **4.1.24. Answers to Councillors' questions – See 4.16 above**

#### **4.1.25. Combined Authority Update**

At ordinary meetings of the Council there will be a report for information from the Combined Authority and questions to their representatives.

The GM Mayor will attend once a year a meeting of Full Council.

Combined Authority appointed representatives will be invited on a rotational basis to present an update on their area of responsibility. 5 minutes will be allowed to present and 5 minutes for verbal questions. 10 minutes for all other questions to the Combined Authority.

A question must relate to the functions of Joint Authorities or the work of outside bodies or partnerships. A member may ask a question only if notice has been given by delivering it in writing or by email to [democratic.services@bury.gov.uk](mailto:democratic.services@bury.gov.uk) or to the Monitoring Officer no later than midday six clear working days before the day of the meeting (e.g. midday 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 9.30am.

A member who has submitted a written question may also ask one supplementary question. A supplementary question must arise directly out of the original question or the reply. A period of up to 20 minutes will be allocated for questions.

Joint Authority representatives in receipt of a Special Responsibility Allowance will be required to attend Overview and scrutiny Committee meetings at the request of the Chair.

No questions to the Combined authority may be asked at meetings of Annual Council, the budget meeting or at an extraordinary meeting of the Council

Members may submit no more than one written question (and no more than 3 per group) at any one meeting. Questions will rotate between the political groups and will be ordered politically proportionally.

#### **4.1.26. Motions**

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.

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.

#### **4.1.27. Motions set out in the agenda**

Motions for which notice has been given will be listed on the agenda. The ruling group and the main opposition group for Bury Council would each be guaranteed one motion per council meeting. The remaining groups would alternate for the third motion.

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.

Youth Cabinet to submit, once a year, a Notice of Motion. This notice of motion will be the first item on the agenda following public question time.

#### **4.1.28. Scope**

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, 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.

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.

#### **4.1.29. Withdrawal of a Motion**

A member may withdraw a motion which they have moved without the consent of either the meeting and/or the seconder.

#### **4.30. Exceptions**

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. The motion must be delivered to the Monitoring Officer by 9.30 am on the day of the meeting.

#### **4.31. Motions without notice**

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
- (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.

#### **4.1.32 Rules of debate**

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

No member may speak unless called upon by the Mayor. Speeches must be directed to the matter being debated.

#### 4.1.33 When a member may speak

Members may speak as detailed in the table below.

| <b>Purpose of speech</b>                     | <b>Who can make the speech</b>                                                                    | <b>Length of speech</b>    |
|----------------------------------------------|---------------------------------------------------------------------------------------------------|----------------------------|
| Present a report                             | Leader (or their nominee), Cabinet member, Committee chair                                        | 5 minutes                  |
| Propose original motion                      | Proposer                                                                                          | 5 minutes                  |
| Second the motion                            | Seconder (may reserve their right to speak until the end of the debate)                           | 3 minutes                  |
| Propose an amended motion                    | Any member other than proposer/seconder of original motion                                        | 3 minutes                  |
| Second an amended motion                     | Any member other than proposer/seconder of original motion                                        | 3 minutes                  |
| Speak during debate                          | Any member other than proposer and seconder 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 (or their nominee)                                                                         | 10 minutes                 |
| Second the budget                            | Deputy Leader (or their nominee)                                                                  | 5 minutes                  |
| Respond to budget proposals                  | Group leaders (or their nominee)                                                                  | 5 minutes                  |
| Right to reply to budget debate              | Leader (or their nominee)                                                                         | 5 minutes                  |
| Moving a Budget Amendment                    | Opposition Leader (or their nominee)                                                              | 5 minutes                  |
| Point of order                               | Any member                                                                                        | 2 minutes                  |
| Personal explanation                         | Any member                                                                                        | 2 minutes                  |
| State of the Borough Debate                  | Leader or Deputy Leader                                                                           | 10 minutes                 |
| State of the Borough Debate – right of reply | Opposition Group Leaders                                                                          | 5 minutes                  |
| Leader's Statement – right of reply          | Opposition Group Leaders                                                                          | 2 minutes (and a question) |

#### 4.1.34 Amendments to motions

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

4.1.34.1 Amendments will be considered in the order in which they are received. An amendment to a Notice of Motion must be delivered to the Monitoring Officer by midday on the day prior to the meeting. Following consideration by the Monitoring Officer the content of the amendment will be shared, other than amendments made in advance of Budget Council; unless the Group Leader or their representative provides express permission to do so.

No further amendment may be moved until the amendment under discussion has been debated and voted on.

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

4.1.34.3 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. 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.

4.1.34.4 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.

4.1.34.5 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.

#### **4.1.35 Alteration of motion**

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.

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.

Only alterations which could be made as an amendment may be made.

#### **4.1.36 Right of reply**

The proposer of an original motion has a right to reply at the close of the debate on the motion. This is for 3 minutes.

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.

The proposer of an amended motion shall have no right of reply to the debate on the amendment.

#### **4.1.37 Motions which may be moved during debate**

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.

#### **4.1.38 Closure motions**

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.

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 (3 minutes) 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.

#### **4.1.39 Point of order**

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.

#### **4.1.40 Personal explanation**

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.

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

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

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

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.

\* 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.

#### **4.1.43 Voting majority**

\* 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.

#### **4.1.44 Mayor's casting vote**

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

#### **4.1.45 On the voices and show of hands**

\* 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/ask members to stand.

#### **4.1.46 Recorded vote**

\* If at least eight members 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.

\* 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.

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

\* 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.

#### **4.1.48 Voting on appointments**

\* 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.

#### **4.1.49 Keeping and Signing of the minutes**

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

\* 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.

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

\* 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.

#### **4.1.51 Record of Attendance**

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

#### **4.1.52 Exclusion of the public**

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

#### **4.1.53 Members’ conduct**

\* When the Mayor stands during a debate any member(s) then speaking must discontinue and the Council must be silent.

4.1.53.1\* 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.

4.1.53.2\* 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.

4.1.53.3\* If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as they think necessary.

4.1.53.4\* 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.

#### **4.1.54 Disturbance by the public**

\* 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.

\* 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

#### **4.1.55 Suspension and amendment of council rules**

\* 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 For ease of reference the rules which cannot be suspended are identified by the symbol \*

\* 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.

#### **4.1.56 Recording, filming and reporting of meetings**

Where meetings of Full 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.

#### **4.1.57 \* Interests under the Councillors' Code of Conduct**

\* Members must abide by the Councillors' Code of Conduct (part 5) 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.

#### **4.1.58 \* Confidentiality**

\* 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). 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.

#### **4.1.59 State of the Borough Debate**

At the annual meeting an annual report on the priorities of the Cabinet and progress made in meeting those priorities; and a report on the state of the Borough will be brought to Full Council by the Leader of the Council or in their absence a Deputy Leader.