

Council procedure rules

Annual meeting of Council

TIMING AND BUSINESS

1. In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May.
2. The annual meeting will:
 - (a) elect a person to preside if the chair or vice-chair of Council is not present;
 - (b) elect the chair of Council;
 - (c) elect the vice-chair of Council;
 - (d) approve the minutes of the last meeting;
 - (e) receive any declarations of interest from councillors;
 - (f) receive any announcements from the chair and/or head of paid service;
 - (g) appoint councillors to committees;
 - (h) elect a leader in every fourth year;
 - (i) agree any amendments to the constitution; and
 - (j) consider any business set out in the notice convening the meeting.

SELECTION OF COUNCILLORS ON COMMITTEES AND OUTSIDE BODIES

3. At the annual meeting, Council will:
 - (a) decide which committees to establish for the forthcoming year;
 - (b) decide the size and terms of reference for those committees;
 - (c) allocate seats to political groups in accordance with the political balance regulations and appoint councillors to those committees;
 - (d) appoint chairs and vice-chairs for the forthcoming year of those committees appointed under (a) above; and
 - (e) appoint to joint committees and outside bodies which are not the responsibility of the Cabinet.

Ordinary Council meetings

4. Ordinary Council meetings will take place in accordance with an agreed programme. The chair of Council may cancel and agree to vary the start time and date of meetings in exceptional circumstances. Ordinary meetings will:
 - (a) elect a person to preside if the chair and vice-chair are not present;
 - (b) approve the minutes of the last meeting;
 - (c) receive any declarations of interest from councillors;
 - (d) receive any announcements from the chair, leader and/or the head of paid service;
 - (e) receive questions from, and provide answers to, the public;
 - (f) receive petitions, under the council's petition scheme;
 - (g) deal with any business from the last Council meeting;
 - (h) consider recommendations from the Cabinet and the council's committees and receive questions and answers on any of those matters;

- (i) consider officer reports;
- (j) receive the report of the leader;
- (k) receive questions on notice from councillors;
- (l) consider motions;
- (m) agree any amendments to the constitution; and
- (n) consider any other business specified in the agenda.

When the budget is discussed at Council meetings, questions and motions from councillors will follow consideration of the budget.

Extraordinary (special) Council meetings

CALLING EXTRAORDINARY MEETINGS

5. Those listed below may request the head of legal and democratic to call extraordinary meetings in addition to ordinary meetings:
 - (a) the Council by resolution;
 - (b) the chair of the Council;
 - (c) the monitoring officer;
 - (d) the section 151 officer; or
 - (e) any five members of the council if they have submitted a written request to the chair of the Council and he/she has refused or failed to call a meeting within seven days of the presentation of the request.

BUSINESS

6. An extraordinary meeting will only consider business required by law and the business for which the extraordinary meeting has been called. There shall be no consideration of the previous minutes of Council. Public questions will only be accepted at an extraordinary meeting of the Council if they relate to the item due to be discussed at that meeting. No petitions or motions will be accepted at an extraordinary meeting.

Time and place of meetings

7. The time and place of meetings will be notified in the agenda for each meeting. The calendar of meetings is published on the council website.

Notice of, and agenda for, meetings

8. The head of legal and democratic will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic will publish the agenda on the council's website and send a summons signed by him/her in hard copy or electronically, to every councillor. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available. Where not all of the reports are available with the summons they will be posted on the council's website as soon as they become available and e-mailed or posted to councillors.

Chair of meeting

9. The person presiding at the meeting may exercise any power or duty of the chair. The chair may choose to indicate how they wish to be addressed, according to personal preference.

Quorum

10. A quarter of the whole number of councillors must be present for a legally valid Council meeting to be held. During any meeting, if the chair counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
11. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

Duration of meeting

12. No meeting shall exceed two and a half hours in duration unless the Council, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next ordinary meeting.

Participation at a meeting

13. Participation at a meeting by the public, ward councillors, councillors who are not members of the meeting, applicants, supporters, objectors, parish/town council/parish meeting representatives and other invitees at decision-making bodies of the council, or meetings open to the public, may be in person, remotely via Microsoft Teams or via a written statement.

Public participation

14. A period of 15 minutes will be set aside for members of the public to ask questions, make addresses on items on the agenda or present petitions.

QUESTIONS

15. At the beginning of each ordinary Council meeting, members of the public (who are not councillors or officers) may ask questions of the chair of Council, members of the Cabinet or chairs of the Planning, General Licensing, Licensing Acts, Audit and Governance or Scrutiny Committees. No question shall exceed three minutes.

ORDER OF QUESTIONS

16. Questions will be asked in the order in which notice of them was received, except that the chair may group together similar questions.

NOTICE OF QUESTIONS

17. A question may only be asked if notice has been given by delivering it in writing or by email to democratic.services@southandvale.gov.uk no later than 5.00pm on the last working day before the day of the meeting. Each question must give the name and address of the questioner and must name the councillor to whom it is to be put.

NUMBER OF QUESTIONS

18. At any one meeting no person may submit more than one question and no more than two questions may be asked on behalf of one organisation.

SCOPE OF QUESTIONS

19. The head of legal and democratic, in consultation with the chair, may reject a question if it:
 - (a) is not about a matter for which the local authority has a responsibility, or which affects the district;
 - (b) is defamatory, frivolous or offensive;
 - (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
 - (d) requires the disclosure of confidential or exempt information.
20. Even if questions are received in advance of an agenda despatch they will not be included on the agenda for the meeting. Copies of all questions will be circulated to all councillors and will be made available to the public attending the meeting. Details of all questions and answers given at the meeting will be recorded in the minutes of the meeting.

ASKING THE QUESTION AT THE MEETING

21. The chair will invite the questioner to put the question to the councillor named in the notice. If a questioner who has submitted a written question is unable to be present, he/she may ask the chair to put the question on their behalf.

SUPPLEMENTARY QUESTION

22. There is no provision for members of the public to ask a supplementary question.

WRITTEN ANSWERS

23. Any question that cannot be dealt with during public question time, either because of lack of time, because of the non-attendance of the councillor to whom it was to be put or because the councillor answering the question requires further information, will be dealt with by a written answer.
24. At the discretion of the chair, in the absence of the councillor to whom a question is put, the question may be put to the leader of the council.

REFERENCE OF QUESTION TO THE CABINET OR A COMMITTEE

25. Unless the chair decides otherwise, no discussion will take place on any question, but any councillor may move that a matter raised by a question be referred to the Cabinet or the relevant committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

Representation on an item of business

26. Members of the public may address Council on an item on the agenda for a period of up to three minutes.

NOTICE OF REQUEST TO ADDRESS THE COUNCIL

27. An address may only be made if notice has been given by delivering it in writing or by email to the head of legal and democratic by 5.00pm on the last working day before the day of the meeting. A person who has registered to speak at a meeting may appoint a representative to speak on his/her behalf, provided that written notice is given to the head of legal and democratic or his/her representative prior to it commencing.

EXCLUSIONS

28. Nothing in this section permits an officer or a councillor to address the Council, if they would otherwise be excluded from taking part due to any interest they may have in a matter under consideration. Addresses may not be made on items containing exempt or confidential information, or on enforcement or prosecution or other legal matters, or matters relating to individual officers. A person or organisation will not normally be permitted to address a meeting on the same issue on more than one occasion in any period of six months.

ADDRESSING THE MEETING

29. The chair may require a spokesperson to be appointed where there is more than one request to address a meeting on the same issue. Councillors may ask questions of any points raised by public speakers, subject to the chair of the meeting being satisfied that the questions are relevant.

Petitions

30. All petitions shall be dealt with in accordance with the council's published petition scheme.
31. At all ordinary Council meetings members of the public can present petitions and speak on the matter for a period not exceeding three minutes.
32. If the petition has sufficient signatures for a Council debate it will be considered at the next scheduled ordinary Council meeting. The chair will refer other petitions to the appropriate Cabinet member or committee chair to respond on behalf of the council.

Questions by councillors

ON RECOMMENDATIONS OF THE CABINET OR COMMITTEES

33. A councillor may ask the leader, relevant Cabinet member or the chair of a committee any question without notice on a recommendation of the Cabinet or a committee when that item is under consideration by the Council.

QUESTIONS ON NOTICE AT FULL COUNCIL

34. Subject to rule 34, a councillor may ask:

- (a) the chair;
- (b) a member of the Cabinet;
- (c) the chair of any committee or sub-committee;
- (d) representatives appointed to outside bodies or joint committees; or
- (e) a question on any matter in relation to which the council has powers or duties or which affects the district.

NOTICE OF QUESTIONS

35. A councillor may only ask a question under rule 33 if:

- (a) they have given at least seven clear working days' notice in writing of the question to the head of legal and democratic; or
- (b) the question relates to urgent matters, they have the consent of the chair and the content of the question is given to the head of legal and democratic by noon on the day of the meeting.

36. The chief executive may decline a question submitted by a councillor if he/she considers that, due to the level of detail or repetitive nature of the question responding to it will have an adverse effect on service delivery. The reason for such a decision will be reported to Council which may overrule the decision.

RESPONSE

37. A written answer will be provided to Democratic Services for circulation at least 24 hours before the meeting.

SUPPLEMENTARY QUESTION

38. A councillor who raised the original question may ask one supplementary question on the subject of the original question. A response will be given either orally, or in writing within five working days. A copy of any written reply will be circulated to all councillors.

Motions on notice

NOTICE

39. Except for motions which can be moved without notice under rule 41, written notice of every motion, must be delivered to the head of legal and democratic not later than seven clear working days before the date of the meeting.

MOTION SET OUT IN AGENDA

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

SCOPE

41. Motions must be about matters for which the council has a responsibility or which affect the district. Motions to Council may not relate to a decision on an individual case, or a decision made on an individual case under planning, licensing or other regulatory legislation. The head of legal and democratic will not accept any motion

which, if approved, would be unlawful, defamatory, or which, if published, would bring the council into disrepute.

Motions without notice

42. The following motions may be moved without notice:

- (a) to appoint a chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or councillor arising from an item on the agenda for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) to vote immediately on the issue being discussed;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond two and a half hours in duration in accordance with rule 12;
- (n) to suspend a particular council procedure rule;
- (o) to exclude the public and press in accordance with the access to information procedure rules;
- (p) to not hear further a councillor named under rule 77 or to exclude them from the meeting under rule 78; and
- (q) to give the consent of the council where its consent is required by this constitution.

Rules of debate

NO SPEECHES UNTIL MOTION SECONDED

43. Councillors may not speak on a motion until it has been moved and seconded.

SECONDER'S SPEECH

44. A councillor who seconds a motion or amendment, may reserve their speech until later in the debate.

CONTENT AND LENGTH OF SPEECHES

45. Speeches must be directed to the issue under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the chair. At the budget meeting the Cabinet member for finance and group leaders are entitled to ten minutes on the budget setting item.

WHEN A MEMBER MAY SPEAK AGAIN

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

- (a) to speak once on an amendment moved by another councillor;

- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another councillor, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order;
- (f) by way of personal explanation; and
- (g) at the chair's discretion.

AMENDMENTS TO MOTIONS

47. An amendment to a motion must be relevant to the motion and:

- (a) refer the matter to an appropriate body or individual for consideration or reconsideration;
- (b) leave out words;
- (c) leave out words and add others; or
- (d) add words.

as long as the effect of (b) to (d) is not to negate the motion.

- 48. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- 49. If an amendment is not carried, other amendments to the original motion may be moved.
- 50. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments can be moved.

ALTERATION OF MOTION

- 51. A councillor, or councillors, may alter a motion of which he/she/they has/have given notice with the consent of the meeting, signified without discussion.
- 52. Only alterations which could be made as an amendment may be made.

WITHDRAWAL OF MOTION

- 53. A councillor may withdraw a motion that he/she has moved with the consent of both the meeting and the seconder, signified without discussion. No councillor may speak on the motion after the mover has asked permission to withdraw it, unless permission is refused.

RIGHT OF REPLY

- 54. The mover of a motion has a right to reply at the end of the debate on his/her motion, immediately before the vote is taken.
- 55. If an amendment is moved, the mover of the amendment, followed by the mover of the original motion, who may not otherwise speak on it, have the right of reply at the close of the debate on the amendment.

MOTIONS WHICH MAY BE MOVED DURING DEBATE

56. When a motion is under debate, no other motion may be moved except the following procedural motions:
- (a) to withdraw a motion;
 - (b) to amend a motion;
 - (c) to proceed to the next business;
 - (d) to vote immediately on an item;
 - (e) to adjourn a debate;
 - (f) to adjourn a meeting;
 - (g) that the meeting continue beyond two and a half hours in duration in accordance with rule 12;
 - (h) to exclude the public and press for confidential or exempt business;
 - (i) to not hear further a councillor named under rule 77 or to exclude them from the meeting under rule 78; and
 - (j) to refer the subject of debate back to the Cabinet or a committee.

CLOSURE MOTIONS

57. A councillor, who has not previously spoken on the matter under consideration, may move, without comment, the following motions at the end of a speech of another councillor:
- (a) to proceed to the next business;
 - (b) to vote immediately on the issue being discussed;
 - (c) to adjourn a debate; or
 - (d) to adjourn a meeting.
58. If a motion to proceed to the next business is seconded and the chair thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
59. If a motion to vote immediately on an issue is seconded and the chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed, he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
60. If a motion to adjourn the debate or to adjourn the meeting is seconded and the chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

Point of order

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

Personal explanation

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

Previous decisions and motions

MOTION TO RESCIND A PREVIOUS DECISION

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

MOTION SIMILAR TO ONE PREVIOUSLY REJECTED

64. A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months may not be moved.

Voting

MAJORITY

65. Unless this constitution provides otherwise, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question is put.

CHAIR'S CASTING VOTE

66. If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote. If the chair does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

SHOW OF HANDS

67. Unless a recorded vote is requested under rule 67, the chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

RECORDED VOTE

68. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

RECORDED VOTE FOR ANY BUDGET OR COUNCIL TAX DECISION

69. Any vote on a motion, including any vote on any amendment, that is taken at a meeting of Council relating to the approval of the council's budget or the setting of council tax must be a recorded vote showing the names for and against the motion, or amendment, as well as those abstaining from voting.

RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED

70. Where any councillor 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.

VOTING ON APPOINTMENTS

71. If more than two people are nominated for any position and one person fails to achieve a clear majority of votes, then 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.

Minutes

SIGNING THE MINUTES

72. The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

NO REQUIREMENT TO SIGN MINUTES OF PREVIOUS MEETING AT EXTRAORDINARY MEETING

73. Where the next meeting for the purpose of signing the minutes is an extraordinary meeting then the next ordinary meeting will be treated as a suitable meeting for the purpose of signing of minutes.

Record of attendance

74. All councillors present must sign the attendance list provided at the meeting.

Exclusion of the public

75. The public and press may only be excluded from attending a Council meeting for the consideration of confidential or exempt business or under rules 80 and 81 (disturbance by the public).

Councillors' conduct

SITTING TO SPEAK

76. When a councillor speaks at Council, they may remain seated and must address the meeting through the chair. If more than one councillor speaks, the chair will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

CHAIR SPEAKING

77. When the chair speaks during a debate, any councillor speaking at the time must stop.

COUNCILLOR NOT TO BE HEARD FURTHER

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

COUNCILLOR TO LEAVE THE MEETING

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

GENERAL DISTURBANCE

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

Disturbance by the public

REMOVAL OF A MEMBER OF THE PUBLIC

81. If a member of the public interrupts the meeting, the chair will invite the person to stop. If they continue to interrupt, the chair will order their removal from the meeting room.

CLEARANCE OF PART OF THE MEETING ROOM

82. If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared and if necessary, adjourn the meeting for as long as he/she thinks necessary.

Suspension and amendment of Council procedure rules

SUSPENSION

83. All, or any, of these Council procedure rules except rule 68, 69 and 72 may be suspended by motion on notice, or without notice if at least half of all councillors are present. Suspension can only be for the duration of the meeting.

AMENDMENT

84. Any motion to change any of the Council procedure rules will, if proposed and seconded, be referred without discussion to the Joint Constitution Review Group for discussion and a report to a future meeting of Council.