

ROTHERHAM BOROUGH COUNCIL

COUNCIL PROCEDURE RULES

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PART I
COUNCIL MEETINGS

Annual meeting etc

1. Annual Meeting and other Council meetings

- (1) Dates and times of Council meetings will be agreed by the Council at the Annual Meeting. Additional meetings will be agreed by the Council as required. They will start at 2.00pm, unless otherwise determined by the Mayor.
- (2) There will be an Annual Meeting, a Budget Council meeting and no fewer than six further ordinary meetings of the Council in each municipal year.

2. Timing and Business of the Annual Council Meeting

- (1) In the year when there is an ordinary election of councillors, the Annual Meeting will take place within 21 days following the retirement of the outgoing councillors. At this meeting, the Council will elect a Leader to serve for a four-year term or until the next Annual Meeting after ordinary whole Council elections.
- (2) In any other year, the Annual Meeting will take place at a time of the Council's determination in April or May and will consider the following business:-
 - (i) Elect a person to preside if the Mayor or Deputy Mayor of the Council are not present;
 - (ii) Elect the Mayor of Rotherham as Chairperson of the Council
 - (iii) Elect the Deputy Mayor of Rotherham as Vice-Chairperson of the Council
 - (iv) Approve the minutes of the last meeting
 - (v) Receive any announcement from the Mayor, as chairperson of the meeting
 - (vi) Note the decision of the Leader as to the number of Members of the Executive; who he/she has appointed to those roles; the scope of their respective portfolios and the terms of delegation to them and officers;
 - (vii) Appoint Members to all committees, boards and panels, as appropriate, to deal with matters which are neither reserved to the Council nor are executive functions;
 - (viii) Agree the scheme of delegation; and
 - (ix) Consider any urgent business requiring consideration at the meeting.

(3) The Council will:-

- (i) decide which member level bodies to establish for the municipal year;
- (ii) decide the size and terms of reference for those bodies;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of Members to serve on committees and joint committees; and
- (v) appoint to those committees and joint committees, except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.

3. Ordinary Council meetings

(1) Ordinary meetings of the Council will take place in accordance with the calendar of meetings decided at the Budget Council Meeting.

(2) The order of business at ordinary meetings will be as follows:-

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) Mayor's announcements;
- (iii) to approve as a correct record and sign the minutes of the last meeting of the Council;
- (iv) receive any declarations of interest from councillors;
- (v) to deal with any business required by statute to be done before any other business;
- (vi) to receive and consider any petitions received in accordance with the Council's Petition Scheme
- (vii) to deal with any other business expressly required by statute (not required under (v) above) or specified in the summons including reports from the Executive, Proper Officers, Overview and Scrutiny Committees or Joint Committees and Partners;
- (viii) to answer questions asked under [Procedure Rule 10](#);
- (ix) to consider motions; and
- (x) other business, if any, specified in the summons

4. Budget Council Meetings

(1) A meeting of the Council will take place before 10 March each year in order to calculate the budget requirement and set the Council Tax.

(2) This meeting will be deemed to be a Budget Council meeting, but will operate within the meaning of an Ordinary meeting, as set out at Procedure Rule 3.

(3) The Calendar of Meetings for the forthcoming municipal year, including dates of Council and Committee meetings, will be submitted for approval to this meeting annually.

5. Extraordinary Council Meetings

- (1) Those listed below may request the Chief Executive to call extraordinary Council meetings:-
 - (i) the Council by resolution;
 - (ii) the Mayor, on advice from the Chief Executive and/or Monitoring Officer;
 - (iii) the Monitoring Officer;
 - (iv) any five members of the Council if they have signed a requisition presented to the Mayor and he/she refused to call a meeting or has failed to do so within seven days of the presentation of the requisition.
- (2) The business to be carried out at an extraordinary meeting shall be restricted to those items referred to in the notice convening the meeting unless the Mayor decides otherwise.

6. Declarations of interests

- (1) In discharging his/her duties as a councillor, a Member of the Council shall abide by the guidance contained in the Council's *Code of Conduct for Members and Co-opted Members and the Member/Officer Protocol*.
- (2) Officers of the Council must abide by the provisions of the Council's *Code of Official Conduct* and any guidance issued from time to time by the Council's Standards and Ethics Committee.
- (3) At the start of a Council meeting, or upon reaching the relevant item in the agenda, Members and officers shall make any declarations of interests that they are required to make in accordance with this procedure rule.
- (4) On and after the coming into force of the provisions in relation to disclosable pecuniary interests in Chapter 7 (standards) of Part 1 of the Localism Act 2011, except where the Monitoring officer or the Standards and Ethics Committee, as the case may be, has granted a Member a dispensation in relation to an item of business of which the Member has a disclosable pecuniary interest, the Member must not take part in the discussion or vote on the item and must withdraw from the meeting room, including the public gallery, before the item is considered by the meeting.
- (5) In the case of personal interests under the Code of Conduct, except where the Monitoring Officer or Standards and Ethics Committee as the case may be, has granted a Member a dispensation in relation to an item in which a Member has a personal interest, the Member must not take part in the discussion or vote on the item and consider whether the interest is of such significance that it warrants withdrawal from the meeting.

- (6) Declarations of interests by Members shall be recorded in the minutes of the meeting at which the interest is declared.
- (7) The Assistant Director of Legal Services shall keep a Register of Members' Interests.

7 Quorum for Council meetings

- (1) The quorum for any meeting of the Council is at least one third of the total number of Members of the Council.
- (2) No business will be considered at a meeting of the Council unless there is a quorum present. If during any meeting the Mayor, after counting the number of councillors present, declares the meeting to be inquorate, the meeting will be adjourned. Any business not carried out will be adjourned to a time fixed by the Mayor at the time the meeting is adjourned, or, if he/she does not fix a time, to the next ordinary meeting of the Council.

8 Appointment of Mayor and Deputy Mayor of the Council

- (1) The members of the Council shall elect annually a chairperson and vice-chairperson of the Council (the Mayor and Deputy Mayor), who shall hold office on the terms and conditions set down in the Local Government Act 1972 and preside at Council meetings.
- (2) In the absence of the Mayor and Deputy Mayor, another Member of the Council, who is chosen by the Members of the Council present at the meeting, shall preside and exercise the powers and duties conferred on the Mayor by these Procedure Rules.

9. Leader's Statement

- (1) The Leader of the Council may make a report or statement to the meeting providing an update on any matters relating to the Borough or the Council.
- (2) There will be an opportunity for questions to be put to the Leader of the Council by any Member for a period of up to 10 minutes.

10 The minutes of Council meetings

- (1) The minutes of the proceedings of Council meetings shall be drawn up and entered in a book or books kept for that purpose and a copy sent to Members with the summons for the next following Council meeting.
- (2) The minute books for each Council meeting shall comprise the Council Minute Book and the Orange Book. Minutes within the Council Minute Book shall be submitted to the Council meeting for consideration. Minutes within the Orange Book shall be circulated to Members for information, but not considered at the Council meeting.

- (3) The Council Minute Book shall contain:–
- the minutes of meetings of the Council;
 - the minutes of meetings of the Cabinet;
 - the minutes of delegated powers meetings of Members of the Cabinet;
 - the minutes of meetings of the Audit Committee;
 - the minutes of meetings of the Licensing Board and Licensing Board Sub-Committee;
 - the minutes of meetings of the Planning Board;
 - the minutes of meetings of the Standards Committee.
- (4) The Orange Book shall be available electronically and contain the minutes of the Appeals Panel, Staffing Committee and Select Commissions.
- (5) The Mayor shall put the question that the minutes of the preceding Council meeting be approved as a correct record.
- (6) Except upon the question of their accuracy, the minutes of a Council meeting shall not be debated.
- (7) A question on the accuracy of a minute or minutes shall be raised by motion.
- (8) If the minutes are approved without question, or any question on their accuracy is resolved, the Mayor shall certify and sign them as a true record of the Council meeting on the specified date.
- (9) Where an extraordinary meeting of the Council is called between programmed Council meetings, the next programmed meeting of the Council shall be treated as a suitable meeting for the purposes of certifying and signing the minutes of the extraordinary meeting.

11 General questions by Members at Council meetings

General questions to Members of the Cabinet and committee chairpersons

- (1) A Member may, subject to Procedure Rule 11(7), ask a general question of a Member of the Cabinet (or his/her representative) or the chairperson (or his/her representative) of a committee that is relevant to the affairs of the Council or the Borough.
- (2) A general question asked under Procedure Rule 11(1) must not exceed 50 words in length and –
- (a) must not relate to an individual case; and
 - (b) must not, without the Mayor's consent, repeat or substantially repeat any question that has been asked and answered in the preceding three Council meetings.

- (3) Following the reply to a question put under Procedure Rule 11(1), the Member who asked the question may ask a supplementary question of the Member of the Cabinet (or his/her representative) or the chairperson of the committee (or his/her representative) who responded to the question.
- (4) A supplementary question under Procedure Rule 11(3):–
 - (a) must relate to the subject matter of the original question and answer; and
 - (b) must be fair and reasonable.

Questions to be put to representatives nominated to joint authorities and other bodies

- (5) On the conclusion of questions asked under Procedure Rule 11(1) and (3), a Member may, subject to Procedure Rule 11(7), ask a question of a Member (or his/her representative) who –
 - (a) sits as a member of one or more of the joint authorities or other bodies specified in Procedure Rule 11(6); and
 - (b) who has been nominated by the authority concerned to answer questions on the discharge of the functions of the authority;

and following the reply to a question put under this procedure rule, the Member who asked the question may ask the member who responded to the question a supplementary question in accordance with Procedure Rule 11(4).

- (6) The authorities and bodies referred to in Procedure Rule 11(5) are –
 - (a) the South Yorkshire Police and Crime Panel;
 - (b) the South Yorkshire Fire and Rescue Authority;
 - (c) the South Yorkshire Passenger Transport Authority;
 - (d) the South Yorkshire Pensions Authority; and
 - (e) the Sheffield City Region Combined Authority.

Notice of questions

- (7) A Member must submit a question to be put at the Council meeting, in writing to the Chief Executive by 10.00am three working days before the day of the Council meeting (ordinarily by 10.00am the Friday preceding a Council meeting the following Wednesday),

- (a) to a Member of the Cabinet or the chairperson of a committee; or
 - (b) to a Member who is both a representative of the Council and the nominee of a joint authority specified in Procedure Rule 11(6).
- (8) (a) The Assistant Chief Executive, or the officer delegated by him/her to carry out this task, shall draw up a list of questions, and may group together questions addressed to the same Member of the Cabinet or chairperson of a committee that relate to the same subject matter. If a question from a Member substantially duplicates a question of which another Member has already given notice, the Assistant Director of Legal Services may exclude the latter question after consulting the member who submitted it.
- (b) If a question is determined to substantially duplicate a question from another Member and is excluded from the agenda, the original Member asking the question is allowed to ask a supplementary question that relates to the subject of his/her original question.

Manner of answering questions

- (9) In accordance with this procedure rule, a question and reply shall be put and answered without debate, but the Member to whom a question has been addressed may decline to answer.
- (10) Questions may be answered by:—
- (a) responding directly to the question put;
 - (b) referring the Member to a publication of the Council; or
 - (c) undertaking to provide a written answer for circulation to the Members of the Council.

Absence of member

- (11) In the absence of a member who gave notice of a question and who has submitted his or her apologies, the question will receive a written answer.
- (12) In the absence of either a Cabinet Member or Committee Chair, the Leader of the Council or the Vice-Chair of the relevant committee will answer a question on behalf of the absent Member.
- (13) If an emergency issue or event occurs in the period between the deadline for submission of questions and 12.00pm on the day of the Council meeting, a Member may approach the Chief Executive to ask that a question relating to the event can be asked to a Member of the Cabinet, the chair of a committee or to a Member who is both a representative of the Council and the nominee of a joint authority or other body specified in Procedure Rule 11(6).

12 General questions by members of the public at council meetings

General questions to the Mayor, Members of the Cabinet and committee chairpersons

- (1) A member of the public may ask one general question of the Mayor, a Member of the Cabinet or the chairperson of a committee.

Notice of questions

- (2) A member of the public must submit a question to be put to the Mayor, a Member of the Cabinet or the chairperson of a committee, in writing to the Chief Executive by 10.00am three working days before the day of the Council meeting, (ordinarily by 10.00am the Friday preceding a Council meeting the following Wednesday)
- (3) The notice must contain the text of the question and the question must not exceed 50 words in length.

Acknowledgement of receipt of notices etc

- (4) The Chief Executive shall date and number the notice on receipt and enter it in a book kept for that purpose in his/her office.
- (5) The Mayor, after taking such advice from the Assistant Director of Legal Services that he/she considers appropriate, may:–
 - (a) exclude a question from the order of business for the meeting on the ground that the question concerns a matter which is outside the Council's area of responsibility or influence or is offensive or unlawful; or
 - (b) make clerical amendments to a question in order to render it fit for adding to the order of business for the meeting.

Manner of answering questions

- (6) The Mayor shall invite the member of the public to read aloud any question submitted in accordance with this procedure rule and invite the appropriate Member of the Cabinet or chairperson of the appropriate committee to reply.
- (7) In accordance with this procedure rule, a question and reply shall be put and answered without debate, but the Member to whom a question has been addressed may decline to answer.
- (8) A question may be answered by:–
 - (a) responding directly to the question put;

- (b) referring to a publication of the Council; or
- (c) undertaking to provide a written answer and to circulate the answer to the Members of the Council.

Supplementary questions

- (9) If a question put in accordance with this procedure rule is answered, the member of the public may ask with the Mayor's permission one supplementary question, which must relate to the initial question or response received to the initial question. They will not be permitted to make a statement and the Mayor's discretion will be applied to determine whether a question or statement has been made.
- (10) The Member to whom a supplementary question has been put may decline to answer, may reply in one of the ways specified in Procedure Rule 12(8), or may nominate another member of the Council to reply on his/her behalf.

Questions by members of the public at the Annual Council Meeting

- (11) A member of the public may submit a written question prior to the Annual Meeting in accordance with this procedure rule. Any such questions will not be considered at the Annual Meeting or listed upon the agenda. However a written response will be provided in accordance with Procedure Rule 12(8)(c).

13 Petitions

- (1) A member of the public may present a qualifying petition and speak for a maximum of five minutes. A period of not longer than 15 minutes will be allocated for the presentation of petitions, which allows for three petitions to be presented to a Council meeting.
- (2) A member of the public may ask a Member to present a qualifying petition on his/her behalf, and the Member may speak for a maximum of five minutes in presenting the petition.
- (3) A petition will not be considered if it meets the criteria set in paragraphs 3.1 and 3.3 of the Council's Guidance on Petitions and/or it has not been received by the Council at least ten days before the date of the next Council meeting.
- (4) A qualifying petition with signatures meeting the threshold set out in paragraph 1.1 of the Council's Guidance on Petitions will automatically trigger a debate of the Council, except where the petition is asking for a senior Council officer to give evidence at a public meeting.
- (5) A petition meeting the criteria set out in Procedure Rule 13(4) may be debated at the meeting at which it is presented, or at a later meeting.

- (6) There shall be a guillotine on the debate of a petition of 15 minutes, after which the vote will be put, unless the Mayor at his/her discretion extends the debate.
- (7) The Council shall decide how to respond to the petition and shall decide either:–
 - (a) to take the action the petition requests;
 - (b) not to take the action the petition requests for reasons stated in the debate;
 - (c) to commission further investigation into the matter, which may include reference to a particular committee for its views, prior to consideration at a future meeting of the Council; or
 - (d) to refer the petition to the Cabinet where it relates to an executive function, in which case the Council may make recommendations to the Cabinet, but Cabinet will not be bound by those recommendations in discharging its executive functions.

14 Report of the chairperson of the Overview and Scrutiny Management Board

- (1) At alternate meetings of the Council, the chairperson of the Overview and Scrutiny Management Board (“OSMB”) (or his/her representative) shall make a written report to the Council on the work currently being undertaken by the OSMB and the Select Commissions since the previous meeting at which he/she last addressed the council meeting.
- (2) Questions upon the chairperson’s report may be asked by any Member of the Council and shall be answered by him/her.

15 Notices of motions, order of motions, consideration of motions and unconnected business

Notice of motion

- (1) A notice of motion must be signed by the proposer and seconder and given in writing to the Assistant Chief Executive, or the officer delegated by him/her to carry out this task, who shall date and number the motion on receipt and enter it in a book kept for that purpose in his/her office.
- (2) The book shall be open for inspection by every Member during office hours.
- (3) Every motion shall relate to the authority’s powers or duties or an issue that affects the Borough.
- (4) The Mayor, after taking such advice from the Assistant Director of Legal Services that he/she considers appropriate, may:–

- (a) exclude a motion from the order of business for the meeting on the ground that the proposal is offensive or unlawful; or
- (b) make clerical corrections to the motion, in order to render it fit for adding to the order of business for the meeting.

Order of motions

- (5) In each summons for a Council meeting, the Assistant Chief Executive, or the officer delegated by him/her to carry out this task, shall add to the order of business –
 - (a) in the case of a Council meeting on Wednesday, motions for which notice has been received before 12 noon on the Monday of the preceding week; and
 - (b) in other cases, motions for which notice has been received before 12 noon on the day preceding the day for summoning the meeting.
- (6) Motions for which the Assistant Chief Executive, or the officer delegated by him/her to carry out this task, has duly received notice, shall be considered by the Council in the order in which they were received.
- (7) Such motions may be submitted by email and the identification of the proposer and seconder in the email (or any form of Motion attached to the email) shall be deemed to satisfy the requirements of Procedure Rule 15(1) above.

Consideration of motions

- (8) If a motion set out in the summons is not moved and seconded, either by a Member who gave notice or by some other Member, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

Limit on number of motions

- (9) A Member shall not give more than two notices of motion in all, at any one meeting of the Council.

16 Motions that may be moved without notice

The following motions may be moved without notice:–

- A motion to appoint a chairperson at the meeting at which the motion is made.
- A motion to use the electronic voting system for the whole of the meeting or for an item of business on the agenda for the meeting.

- A motion relating to the accuracy of the minutes.
- A motion that an item of business specified in the summons should take precedence.
- A motion that an item of business should be referred to the Cabinet or a particular committee or a council meeting.
- A motion to appoint a committee or working party (comprising members or officers or both) to deal with an item on the agenda for the meeting.
- A motion to amend the recommended minutes being discussed.
- A motion to adopt the reports and recommendations of the Cabinet, committees or officers and any consequent resolutions.
- A motion that leave be given to withdraw a motion.
- A motion that another motion be amended.
- A motion that the Council proceed to the next item of business.
- A motion that the motion being debated be put to a vote.
- A motion that the debate be adjourned.
- A motion that the Council meeting be adjourned.
- A motion that a procedure rule be suspended, in accordance with Procedure Rule 31(Suspension of Procedure Rules).
- A motion to exclude the press and public from the meeting or part of the meeting.
- A motion that a Member named under Procedure Rule 19 (Misconduct by a Member at a Council meeting) be not further heard or must leave the meeting.
- A motion that the consent of the Council be given, where the consent of the Council is required.

17 Previous Decisions and Motions

- (1) A motion or amendment to rescind a decision made at a meeting of the Council within the past six months cannot be moved unless the notice of motion is signed by at least five Members.

- (2) A motion of amendment in similar terms to one that has been rejected at a meeting of the Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least seven Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

18 Rules of debate for Council meetings

Respect for the chairperson

- (1) If the Mayor rises during the meeting, any Member then standing will resume his seat and the Members of the Council shall be silent. Only one Member may rise at one time
- (2) A Member must rise and address the Mayor when speaking.
- (3) If two or more Members simultaneously rise to their feet, the Mayor will call on one to speak and the other or others to return to their seats.
- (4) Except where a Member rises to a point of order or to give a personal explanation, Members must remain seated when one of their number rises to speak.
- (5) Members must address each other by their formal titles when transacting Council business.

Motions and amendments

- (6) Motions and amendments must be formally moved and seconded as set out on the agenda. If a motion or amendment is not moved and seconded, it is treated as withdrawn and cannot be moved without fresh notice.
- (7) The proposer of a motion may, with the permission of the meeting, withdraw the motion. If a motion is withdrawn, a Member cannot speak on it.
- (8) Usually only one motion may be discussed at a time but the Mayor may allow two or more motions to be discussed together if this is conducive to the efficient conduct of business.
- (9) An amendment to a motion must be in writing and contain the names of the proposer and seconder. It must be delivered to the Assistant Director of Legal Services at least four hours before the start of the meeting (no later than 10.00am). Amendments will be listed for each agenda item in the order in which they were received. Copies of every amendment received will be made available to every Member at the meeting.

- (10) An amendment must directly relate to the subject matter of the motion and may:-
- (i) Refer the motion to a committee or sub-committee for consideration.
 - (ii) Leave out words.
 - (iii) Add words.
 - (iv) Leave out words and add words.
- (11) Amendments must not have the effect of nullifying the motion before the meeting.
- (12) An amendment may be moved and seconded either by the Members who submitted it or other members on their behalf.
- (13) The proposer of an amendment may withdraw it with the permission of the meeting. If the proposer asks to withdraw an amendment, there shall be no discussion on the amendment until the vote has been taken.
- (14) The proposer of a motion may, with the consent of the mover of an amendment, incorporate the amendment into the motion. If this happens, unless the motion and amendment stand in the same name, the proposer of the amendment will still have the same speaking rights as if the amendment had been dealt with separately.
- (15) Amendments will be discussed together unless the Mayor decides to discuss each one separately.
- (16) Amendments will be put to the vote in the reverse of the order in which they were moved at the meeting. The first amendment to be carried will become the substantive motion and other amendments will not be put to the vote.
- (17) The order of speeches on a motion and any amendment shall be:-
- (i) Proposer of the motion.
 - (ii) Proposer of the first amendment.
 - (iii) Proposer of the second amendment and so on until all movers of amendments have spoken.
 - (iv) Any member who has not already spoken under paragraphs (i) to (iii) above.
 - (v) Right of reply of movers of amendments in reverse order until right of reply of proposer of second amendment.
 - (vi) Right of reply of proposer of first amendment.
 - (vii) Right of reply of proposer of motion.

(18) A Member may only speak once on a motion except:-

- (i) In reply at the conclusion of the debate.
- (ii) On a point of order.
- (iii) On a point of personal explanation.
- (iv) If the first speech was formally to move or second a recommendation or amendment.

(19) A Member may nominate another Member to exercise any of the above rights to speak.

(20) When a motion is being debated, the only motions that may be moved are to:-

- (i) Put the question to the vote immediately.
- (ii) Move immediately to the reply of the chairperson of the committee or sub-committee about whose work the motion is concerned, then the reply of the proposer of the motion, then to the vote.
- (iii) Refer the matter to the next ordinary meeting or to the Executive, a committee or sub-committee.
- (iv) Move to the next business.
- (v) Adjourn the debate or the meeting.
- (vi) Exclude the public.

Secunder's speech

(21) In seconding a motion or an amendment to a motion, a Member may declare his/her intention to reserve his/her speech on the motion or amendment until a later part of the debate.

Length and contents of speeches

(22) A Member must restrict his/her comments to the matter being discussed.

(23) The following time limits shall apply to speeches:-

- a proposer of a motion or an amendment to a motion must restrict his/her speech proposing the motion or amendment to a maximum of ten minutes;
- a seconder of a motion or an amendment to a motion must restrict his/her speech seconding the motion or amendment to a maximum of ten minutes;
- a Member who speaks to a motion or an amendment to a motion must restrict his/her speech to a maximum of five minutes.

When a Member may speak again

- (24) Having spoken to a motion, a Member must not speak again to the motion while it is being debated, except –
- (a) to speak once on an amendment to the motion moved by another Member;
 - (b) to move a further amendment if the motion has been amended since he/she last spoke;
 - (c) to speak to the motion if his/her first speech was on an amendment moved by another Member (regardless of whether the amendment to which he/she first spoke was carried);
 - (d) to exercise a right of reply in accordance with Procedure Rule 18(22);
 - (e) to speak once on a point of order; or
 - (f) to give a personal explanation to the meeting.

Alteration of a motion

- (25) With the consent (given without discussion) of the Members of the Council, a Member may:–
- (a) alter a motion of which he/she has given notice, or
 - (b) alter with the consent of his/her seconder a motion which he/she has moved;

providing that the alteration is one which could be made as an amendment to the motion.

Withdrawal of a motion

- (26) With the consent of his/her seconder and the Members (given without discussion), a Member may withdraw a motion or an amendment to a motion.
- (27) Where the Members have consented to the withdrawal of a motion, a Member may not speak to the motion or propose its amendment.

Right of reply of the proposer of a motion

- (28) Immediately before a motion is put to a vote, the proposer of the motion has the right of reply at the close of the debate. The right of reply will be permitted for ten minutes.

- (29) Where an amendment to a motion is moved, the proposer of the original motion has the right of reply at the close of the debate on the amendment but must not otherwise speak to the amendment.
- (30) Following the debate on an amendment to a motion, the proposer of the amendment to the motion does not have the right of reply.

Closure of motions

- (31) At the conclusion of a Member's speech, another member may move without comment:–
- that the question be put;
 - that the meeting proceed to the next item of business;
 - that the debate be adjourned; or
 - that the meeting be adjourned.
- (32) Unless he/she is of the opinion that the item of business being considered by the meeting has been insufficiently discussed, on the seconding of a motion under Procedure Rule 18(31) the Mayor shall –
- (a) put to a vote a motion that the question be now put or that the meeting proceed to the next item of business, then if the motion is passed, give the proposer of the original motion the right of reply under Procedure Rule 18(28) before putting the motion to a vote; or
 - (b) put to a vote a motion to adjourn the debate or the meeting without giving the proposer of the original motion the right of reply.

Points of order

- (33) A Member may only raise a point of order at the end of the speech to which it relates. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The Members' speech will be limited to one minute, with any additional time to be agreed at the discretion of the Mayor. The ruling of the Mayor on the matter will be final.

Personal explanation

- (34) A Member may only make a point of personal explanation at the end of a speech to which it relates. A personal explanation may only relate to some material part of the earlier speech by the Member, which may appear to have been misunderstood in the present debate. The Member's speech will be limited to one minute, with any additional time to be agreed at the discretion of the Mayor. The ruling of the Mayor on the admissibility of a personal explanation will be final.

19 Voting

- (1) The method of voting at Council meetings shall be by a show of hands or, where requested or required by law, a recorded vote.
- (2) Before a vote is taken, a Member may request a recorded vote. That Member must be supported by five other Members who show their support by standing in their places. The Mayor will have the discretion to refuse a recorded vote if he/she considers the request to be unreasonable to impede the proper discharge of the business of the meeting. The vote will then be recorded in the minutes of the meeting to show how each Member present voted (or whether they abstained from voting). The Mayor will announce the numerical result as soon as it is known.
- (3) In the case of an equality of votes, the Mayor shall have a second or casting vote.
- (4) Subject to Procedure Rule 19(5), where a Member present at a Council meeting requires the manner in which he/she cast his/her vote or abstained from voting to be recorded in the minutes of the meeting, immediately after the vote is taken the Clerk to the meeting (Democratic Services Manager) shall record in the minutes of the meeting whether that Member cast his/her vote for the question or against the question or whether he/she abstained from voting.
- (5) For the purpose of Procedure 19(4), the leader of the majority opposition group may indicate to the Clerk to the meeting (Democratic Services Manager) how his/her colleagues had cast their votes for or against the question put to the vote or abstained from voting.
- (6) Where the Council votes to set its budget and on any decision relating to the making of a calculation in respect of setting the level of Council Tax, the names of those voting for or against the decision or who abstained from voting will be recorded in the minutes of the meeting by means of a recorded vote in accordance with Procedure Rule 19(2) above.
- (7) For the avoidance of doubt, the rule detailed in Procedure Rule 19(2) above applies to proposed amendments, as well as to a substantive motion.

20 Misconduct by a Member at a Council meeting

Misconduct

- (1) No Member shall impute unworthy motives to, or use offensive or unbecoming words about another Member or be guilty of tedious repetition.

Member not to be heard further

- (2) If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

Member to leave the meeting

- (3) If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member 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

- (4) If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

21 Disruption of a Council meeting by a member of the public

- (1) If a group or an individual member(s) of the public interrupts the proceedings at any meeting, the Mayor shall warn the person(s) concerned. If the interruption continues, the Mayor shall order their removal from the meeting room.
- (2) In case of general disturbance in any part of the room open to the public, or of the premises where the meeting is being held, the Mayor will order that part to be cleared. If in the Mayor's view, this is not practicable and it is not possible to continue the meeting in the light of the disturbance, he/she may rule that the meeting should be reconvened in a different venue.

22 The Council in committee

- (1) The Council may by vote resolve itself into a committee of the whole Council.
- (2) While sitting as a committee of the whole Council, the restriction on the number of times a Member may speak to a question will not apply.

23 Recording Council meetings

- (1) In accordance with the Openness of Local Government Bodies Regulations 2014 the filming and recording of the public sessions of any Council, Cabinet, committee or panel meetings through any audio, visual or written methods will be allowed, providing this does not disturb the conduct of the meeting.
- (2) The Chairperson of the relevant meeting will have the power to withdraw this permission should it prove necessary due to the nature of the meeting or if the conduct of the meeting is disturbed, for example, through flash photography, intrusive camera or lighting equipment, noise interrupting the meeting or those observing the meeting or the behaviour of the person filming the meeting.
- (3) Subject to Procedure Rule 23(1) and (2) above, reasonable facilities will be provided for anyone wishing to record or film at a meeting. Whilst notice is not formally required, anyone intending to film or record at a meeting is asked to contact the relevant Democratic Services Officer in advance of the meeting so that the Chairperson, other Members and any members of the public present can be informed and the necessary arrangements made.
- (4) All those visually recording a meeting must remain in designated areas within the meeting room and are requested to only focus on recording Members, officers and the public directly involved in the conduct of the meeting. Should any member of the public participating in the meeting object to being filmed then the Chairperson will, wherever possible, make arrangements for that individual to be excluded from the recording.
- (5) Covert recording/filming at meetings will not be permitted and the person filming will be asked to provide an assurance that:-
 - (a) recordings will include sound and vision;
 - (b) the original version will be available to the Council on request; and
 - (c) that recordings will not be edited in a potentially misleading way.
- (6) If a meeting passes a motion to exclude the press and public then all right to record the part of the meeting to which the exemption applies will be removed.

24 Members' record of attendances

- (1) The Assistant Chief Executive, or the officer delegated by him/her to carry out this task, shall keep a record of the attendances of each Member of the Council at meetings of the Council, the Cabinet, a committee of the Cabinet or a committee.

PART II
ELECTION OF THE LEADER AND APPOINTMENT OF COMMITTEES OF THE COUNCIL

25 Election of the Leader

- (1) At any Annual Meeting held on a day when the Leader's term of office is to end, or any ordinary meeting where the Leader's term of office is not co-terminous with the Annual Meeting, the Members of the Council shall elect a Leader.
- (2) The Leader may announce at the Annual Meeting of the Council the names of the Members he/she has appointed to the Cabinet, their portfolios and any amendments made to the Council's *Scheme of Delegation* in relation to executive functions. If the Leader does not do this at the Annual Meeting of the Council, he/she must notify such appointments, portfolios and changes to the Assistant Chief Executive directly when they are made. The Assistant Director of Legal Services will amend the Council's *Scheme of Delegation* in relation to executive functions accordingly, notify all Members of the Council of such appointments, portfolios and changes and formally report these to the next ordinary meeting of the Council.
- (3) The process outlined in Procedure Rule 25(2), with any necessary modification, will apply on any other occasion when the Leader:-
 - removes a Member of the Cabinet from office;
 - appoints another Member of the Council as a Member of the Cabinet;
 - makes any changes to the portfolios of Members of the Cabinet; or
 - makes any changes to the Council's *Scheme of Delegation* in relation to executive functions.

26 Appointment of committees

- (1) At the Annual meeting of the Council, the Members of the Council shall determine:-
 - (a) the committees that they consider necessary to discharge the Council's non-executive functions for the municipal year;
 - (b) the terms of reference of each committee; and
 - (c) the delegation arrangements as set out in the Council's *Scheme of Delegation* in relation to Council committees and officers in relation to non-executive functions.
- (2) A committee of the Council shall continue in being until the next following annual meeting of the Council, unless the committee is dissolved by resolution of the Council at an earlier date.

- (3) A Member of a committee shall hold that position until the next following Annual Meeting of the Council, unless before that date the Member is removed from that position by resolution of the Council or he/she retires or resigns from office or is suspended from being a Member or is disqualified from holding the office of councillor.

27 Appointment of the Chairperson and Vice-Chairperson of the Cabinet and each committee

- (1) The Leader shall be the chairperson of the Cabinet and the Deputy Leader shall be the vice-chairperson.
- (2) The chairperson and vice-chairperson of each committee shall be appointed at the Annual Council meeting, failing which the members of each committee shall choose a chairperson and vice-chairperson at the first meeting of the committee, who shall hold office until such time as appointments to those positions are made or ratified at a subsequent meeting of the Council.
- (3) In the absence of the chairperson, the vice-chairperson shall preside, and in the absence of both the chairperson and vice-chairperson, the Members of the Cabinet or the particular committee shall appoint a chairperson for the meeting.
- (4) The chairperson and vice-chairperson of a committee will hold those positions until the next following Annual Meeting of the Council unless, as the case may be, the chairperson or vice-chairperson –
 - (a) retires or resigns from office or is suspended from being a councillor or is otherwise disqualified from being a Member of the Council or removed from that position by resolution of the Council; or
 - (b) the particular circumstances make it impractical for him/her to perform his/her duties in that position.
- (5) In the event of the office of chairperson or vice-chairperson of a committee becoming vacant during the municipal year for any reason, the Council shall make an appointment to that position at an ordinary meeting of the Council.

28 The summoning of meetings of the Cabinet and committees

- (1) The Assistant Chief Executive, or the officer delegated by him/her to carry out this task, shall summon a meeting of the Cabinet, a committee of the Cabinet or a committee at the request of the chairperson or, in the absence of the chairperson, the vice-chairperson.

29 Procedure Rules in Part I to apply to committees

- (1) Procedure Rules [3 \(Ordinary Council Meetings\)](#), [17 \(Previous Decisions and Motions\)](#), [18 \(Rules of debate for Council meetings\)](#), [19 \(Voting\)](#), [20 \(Misconduct by a Member at a Council meeting\)](#), [21 \(Disruption of a Council meeting by a member of the public\)](#), [23 \(Recording council meetings\)](#) and [24 \(Members' record of attendances\)](#), in Part I, shall apply with any necessary modification to meetings of the Cabinet and committee meetings.

30 Attendance by a non-Member of the Cabinet or a committee at the invitation of the Chairperson of the Cabinet or committee

- (1) A Member invited to attend a meeting of the Cabinet or a committee shall not be entitled to vote on any matter before the Cabinet or the committee.

PART III
SUSPENSION ETC AND INTERPRETATION OF PROCEDURE RULES

31 Suspension of Procedure Rules

- (1) Procedure Rules 1 to 9 and 19 may not be suspended.
- (2) Subject to Procedure Rule 31(1), a Member may request the Mayor's permission to move the suspension of a procedure rule for a stated purpose.
- (3) On the granting of permission under Procedure Rule 31(2), the question shall be put immediately and without amendment or debate to a vote of the Members.
- (4) If on the question being put or a division being taken it appears that not less than two-thirds of the Members present and voting are in favour of the request, the motion for the suspension of the procedure rule shall be put immediately and without amendment or debate to a vote.

32 Variation, revocation or supersession of Procedure Rules

- (1) These procedure rules shall not be altered, revoked or superseded without the prior recommendation of the Cabinet.

33 Interpretation of Procedure Rules

- (1) The ruling of the Mayor on the construction or application of any of these Procedure Rules, or on any proceedings of the Council, shall be final and not challenged at any Council meeting.
- (2) Except for the powers and duties conferred or imposed on the Strategic Director of Finance and Customer Services and the Assistant Director of Legal Services, any power or duty conferred or imposed on a director of service, in accordance with these Procedure Rules, may be exercised by the Strategic Director for the directorate concerned or the Chief Executive.
- (3) A reference in these Procedure Rules to the masculine gender includes the feminine and, where the context requires, the singular includes the plural and vice-versa.
- (4) The term "committee" includes a joint committee or joint authority and a sub-committee.