

## Appendix B1

**1. COUNCIL PROCEDURE RULES**

1. Meetings of the Council
2. Election of ~~Chairman~~Chair and Vice-~~Chairman~~Chair of the Council
3. Quorum
4. Order of Business
5. Time and place of meetings
6. Notice of and summons to meetings
7. Chair of meeting
8. Questions by the public
9. Voting
10. ~~Motion~~Motions with notice
11. ~~Motion~~Motion without notice
12. ~~Motion~~Motion and amendments
13. Questions by Members
14. Minutes
15. One Member at a time
16. Speeches
17. Points of Order
18. Respect for Chair
19. Attendance and conduct at meetings
20. Rescission of Preceding Resolution
21. Suspension and amendment of Council Procedure Rules
22. Record of attendance
23. Exclusion of public
24. Appointment of Committees etc, Substitute and Co-opted Members of Committees and Sub-Committees
25. Referral-Up
26. Council Call-In
27. Application to Committees and Other Member Bodies
28. Member Body ~~Motion~~Motions without Notice
29. Location of Member Body Meetings

## 1. MEETINGS OF THE COUNCIL

- 1.1 The Annual Meeting of the Council is held at The Council Chamber, The Grange, Ely ~~(unless unavailable)~~ on a date and time determined by the Council and published on the Council's website and on agenda published no less than seven working days prior to each meeting. In a year of ordinary election of Councillors, the Annual Meeting is held either on the eighth day after the retirement of Councillors or such other day (determined by the Council) within twenty-one days immediately following that day.

The Council shall at the Annual Meeting appoint such Committees, Sub-Committees, Working Parties or other bodies, as they are required to appoint by or under any statute or under this Constitution and may at any time appoint such other Committees, Sub-Committees, Working Parties or other bodies as are necessary to carry out the work of the Council.

Subject to any statutory limitation, such appointments shall not be for any longer period than 2 years. (This does not prevent a Member from being re-appointed at the end of that term).

Council may at any time dissolve a Committee, Sub-Committee, Working Party or other body or alter its membership.

Ordinary meetings of the Council generally are held at 6.00pm on a Tuesday or Thursday (unless the Council agrees an alternative day or time for any meeting or meetings). Council meetings (other than the Annual Meeting) may be held at The Grange or at suitable venues elsewhere in the District.

Extraordinary meetings of the Council – The Chief Executive may call or those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- 1.1.1 the Council by resolution;
- 1.1.2 the ~~Chairman~~Chair of the Council;
- 1.1.3 the Monitoring Officer; and
- 1.1.4 any five Members of the Council if they have signed a requisition presented to the ~~Chairman~~Chair of the Council and he/she has refused to call a meeting or has failed to call a meeting within eight working days of the presentation of the requisition.

## 2. ELECTION OF ~~CHAIRMAN~~CHAIR AND VICE-~~CHAIRMAN~~CHAIR OF THE COUNCIL

The Council at the Annual Meeting elects a ~~Chairman~~Chair and Vice-~~Chairman~~Chair. Nominations for these offices are to be duly proposed and seconded and delivered to the Chief Executive not less than fourteen days before the date of the Annual Meeting (except in the year of District Elections, when they must be delivered not less than seven days before the meeting).

## 3. QUORUM

No business can be transacted at a meeting of full Council unless at least 7 Members of the Council are present. If there are ~~less~~fewer than 7 Members present (not including those who have declared an interest and left the Chamber for any item) the

~~Chairman~~Chair will adjourn the meeting. No business can be transacted at a meeting of the Council's committees and other Member bodies unless there are present sufficient Members to form a quorum. The quorum figure for each Committee and other Member body is set out in Section 1 of Part 3 of this Constitution.

Any business not transacted up to the time of that adjournment stands over to a date and time fixed by the ~~Chairman~~Chair at the time the meeting is adjourned, or if no such date or time is fixed, to the next ordinary meeting of the Council.

#### 4. ORDER OF BUSINESS

4.1 The order of business at meetings of the Council is:

##### 4.1.1 ANNUAL COUNCIL - ORDER OF BUSINESS

Public question time (15 minutes or until the last question is answered, whichever is the sooner).

- (i) Election of ~~Chairman~~Chair
- (ii) Anything required to be done prior to the formal business commencing
- (iii) Minutes of the last Council meeting
- (iv) Election of Vice ~~Chairman~~Chair
- (v) ~~Chairman~~Chair's announcements
- (vi) Receiving petitions (in accordance with the Petitions Scheme)
- (vii) ~~Motion~~Motions
- (viii) Questions under Council Procedure Rules
- (ix) Presentations by invited guests
- (x) Names of the Leaders and Deputy Leaders of declared political groups (and where applicable, Leader and Deputy Leader of Council)
- (xi) Any change to the political proportionality of the Council
- (xii) Appointment of Policy Committees, Regulatory Committees (and any Sub-Committees of these bodies) via a written report with a resolution (or an oral report where there is no time for a written report in a year of election)
- (xiii) Appointment of other Member bodies or Working Parties if necessary via a written report with a resolution (or an oral report where there is no time for a written report in a year of election)
- (xiv) Appointments to Outside Bodies if necessary, via a written report with a resolution (or an oral report where there is no time for a written report in a year of election)
- (xv) Recommendations from Committees and other Member bodies
- (xvi) Any items, which have not been through Committees and other Member bodies etc but which require a resolution of Full Council
- (xvii) Confidential items.

##### 4.1.2 ORDINARY MEETINGS OF COUNCIL - ORDER OF BUSINESS

Public question time (15 minutes or until the last question is answered whichever is the sooner)

- (i) Election of ~~Chairman~~Chair (if the ~~Chairman~~Chair and Vice-~~Chairman~~Chair are not present)

- (ii) Anything required to be done prior to the formal business commencing
- (iii) Minutes of the last Council meeting
- (iv) ~~Chairman~~Chair's announcements
- (v) Receiving Petitions (in accordance with the Petitions Scheme)
- (vi) ~~Motion~~Motions
- (vii) Questions under Council Procedure Rules
- (viii) Presentations by invited guests/Committee Chairpersons
- (ix) Recommendations from Committees and other Member bodies
- (x) Any items which have not been through Committees and other Member bodies, etc but which require a resolution from full Council
- (xi) Any report(s) from Council appointees on the activities of the Board, Committees and other Member Bodies of the Cambridgeshire & Peterborough Combined Authority
- (xii) Any changes to the political proportionality of the Council, its effect on Committees, etc and to Leaders and Deputy Leaders of declared political groups.
- (xiii) Confidential items

#### 4.1.3 EXTRAORDINARY (OR SPECIAL) MEETINGS OF COUNCIL - ORDER OF BUSINESS

Public question time (15 minutes or until the last question is answered whichever is the sooner).

- (i) Election of ~~Chairman~~Chair (if the ~~Chairman~~Chair and Vice-~~Chairman~~Chair are not present)
- (ii) ~~Chairman~~Chair's announcements
- (iii) Consideration of the matter in respect of which the EGM has been called (where exempt/confidential information may be discussed, it may be necessary to exclude the press and public for all or part of the item)

Minutes of the last Council meeting will not ordinarily be received at any Extraordinary Council meeting.

- 4.2 The election of a ~~Chairman~~Chair (as necessary) and anything required to be done prior to the formal business of the meeting commencing must be done before any other items. The order of the remaining business may be varied:

- 4.2.1 by the ~~Chairman~~Chair at his/her discretion;
- 4.2.2 by a resolution passed on a ~~motion~~Motion (which need not be in writing) duly moved and seconded (which is to be moved and put without discussion).

## 5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

## 6. NOTICE OF AND SUMMONS TO MEETINGS

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least seven clear working days before a meeting, the Chief Executive will send a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence. 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.

## 7. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the ~~Chairman~~Chair. Where these rules apply to Committee and Sub-Committee meetings, references to the ~~Chairman~~Chair also include the ~~Chairman~~Chair of Committees and Sub-Committees.

## 8. QUESTIONS FROM THE PUBLIC

8.1 To give the public a more direct role in the Council and Committee meetings, the Council has a public question time before the formal start of business.

8.1.1 There is up to 15 minutes public question time immediately prior to each Council or Committee meeting, which does not form part of the formal business of Council (in that resolutions and decisions cannot be immediately taken from it).

8.1.2 Any member of the public (excluding a Member of the Council) can ask one question or make one statement on any topic. As long as the Monitoring Officer (or in their absence the Deputy Monitoring Officer) has determined that there is no suspicion that the question/statement is improper (for example, it must not be offensive, slanderous or disclose information that the Council should keep confidential), the ~~Chairman~~Chair will invite the questioner to read out their question/statement. No other statements should be made by the questioner unless at the ~~Chairman~~Chair's invitation. A period of 5 minutes will be allowed for each question/statement and response to be given, unless the ~~Chairman~~Chair agrees to allow an extension of this.

8.1.3 Questions/statements are to be given in writing and placed in a box provided for the purpose prior to commencement of the public question time. Questions are drawn out one at a time. Any questions not answered at the end of the 15 minutes will receive a written reply.

8.1.4 The question is to any Member of the Council~~the Chair of Council, the Chair of a Committee or Leader of the Council~~. They may give a verbal answer or undertake to provide a written answer to the question as soon as possible (such reply to be circulated to all Members) or they may decline to answer (for example, on the grounds that the information requested is confidential).~~In the absence of the Leader of the Council or relevant Chair, the question may be answered by their Deputy/Vice Chair~~.

NOTE: As Regulatory Committees, Planning and Licensing Committees do not have Public Question Time but have separate Public Speaking schemes.

## 9. VOTING

9.1 General

- 9.1.1 Voting at a meeting of the Council its Committees and other Member bodies is by show of hands, unless a ~~motion~~Motion is passed to the contrary or unless otherwise stated in this Constitution.
- 9.1.2 At the Budget meeting(s) each year, voting on any ~~motion~~Motion or amendment relating to the Budget or setting of the Council Tax will be recorded to show whether each member present voted for or against the ~~motion~~Motion or amendment or abstained from voting.<sup>1</sup>
- 9.1.3 With the exception of Rule 9.1.2, when there is a request for a recorded vote (prior to the vote being taken) the voting on a ~~motion~~Motion or amendment is recorded to show whether each member present voted for or against the ~~motion~~Motion or amendment or abstained from voting.
- 9.1.4 In the case of an equality of votes, the ~~Chairman~~Chair shall have a second or casting vote providing the ~~Chairman~~Chair has already voted.
- 9.1.5 Any Member present at the meeting may, immediately after a vote is taken, request that his/her vote (for or against) or abstention be recorded in the minutes of the meeting.

## 9.2 On Appointments

- 9.2.1 If contested, the appointment of the ~~Chairman~~Chair and Vice-~~Chairman~~Chair of the Council will be by secret ballot.
- 9.2.2 Appointment of Members to:
- ~~Chairman~~Chairships and Vice-~~Chairman~~Chairships of Committees
  - Sub-Committees, Working Parties
  - Outside Bodies
- shall be by a show of hands, or by secret ballot on the passing of a ~~motion~~Motion to allow such a ballot.

## 10. ~~MOTION~~MOTIONS WITH NOTICE

- 10.1 A Council Member may, upon prior written notice, put a ~~motion~~Motion in writing to Council under this Council Procedure Rule. Notice of every ~~motion~~Motion (other than a ~~motion~~Motion which under Council Procedure Rule 11 may be moved without notice) must be given in writing, signed by the member or members of the Council giving notice, and delivered to the Chief Executive ten clear working days (i.e. excluding Saturdays, Sundays and Bank Holidays) before the meeting at which it is to be considered. On receipt, it will be dated, numbered in order in which it is received, and entered in a book open to the inspection of every Member of the Council.
- 10.2 The summons for every meeting of the Council will include in full all ~~motion~~Motions of which notice has been duly given in the order in which they have been received (unless the member giving such a notice has indicated in writing, when giving it, that he proposed to move it at some later meeting, or has subsequently withdrawn it in writing).

<sup>1</sup> In accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014

Formatted: Font: Bold

- 10.3 If a ~~motion~~Motion set out in the summons is not moved either by a Member who gave notice thereof or by some other Member on his/her behalf, it will, unless deferred by the consent of the Council, be treated as withdrawn and may not be moved without fresh notice being given.
- 10.4 If the subject matter of any ~~motion~~Motion comes within the terms of reference of any Committee, Sub-Committee, etc it will, upon being moved and seconded, stand referred without discussion to such Committee, Sub-Committee, etc or to such other Committee, Sub-Committee, etc as the Council decide, unless the ~~Chairman~~Chair shall decide that it is more convenient and efficient to allow the ~~motion~~Motion to be dealt with at that Council meeting.
- 10.5 Every ~~motion~~Motion must be relevant to some matter in relation to which the Council have powers or duties or which affects the District.
- 10.6 Amendments to ~~Motion~~Motions with notice should be provided in writing and delivered to the Chief Executive not less than 24 hours prior to the date of the meeting at which the ~~Motion~~Motion will be considered.<sup>2</sup>

## 11. ~~MOTION~~MOTIONS WITHOUT NOTICE

The following ~~motion~~Motions and amendments may be moved without notice at a meeting of the Council:

- 11.1 Appointment of a ~~Chairman~~Chair of that meeting.
- 11.2 ~~Motion~~Motions relating to the accuracy of the minutes of the previous meeting.
- 11.3 That an item of business listed in the summons be brought forward.
- 11.4 Reference back of a recommendation to a Committee, Sub-Committee, etc.
- 11.5 Appointment of Members to a Committee, Sub-Committee or Working Party, occasioned by an item mentioned in the summons to the meeting.
- 11.6 Receipt and adoption of reports and recommendations of committees, sub-committees etc.
- 11.7 That leave be given to withdraw a ~~motion~~Motion.
- 11.8 Extending the time limit for speeches.
- 11.9 Amendments to ~~motion~~Motions ~~without notice~~ (with the exception of amendments on the Council's Budget which should be provided in writing to the Chief Executive at least 24 hours prior to the meeting).
- 11.10 That the Council proceed to the next business.
- 11.11 That the question should now be put.
- 11.12 That the debate should now be adjourned.
- 11.13 That the Council should now adjourn.
- 11.14 Suspending the Constitution or any part of it (in accordance with these Council Procedure Rules).
- 11.15 ~~Motion~~Motion under section 100A of the Local Government Act 1972 (as amended) to exclude the public (including the press).

<sup>2</sup> PLEASE NOTE: Members are reminded of the expectation that they will act in 'good faith' when applying this and other Procedure Rules.

Formatted: English (United Kingdom)

Formatted: Font: Bold

- 11.16 That a Member named under these Council Procedure Rules should be not further heard or should leave the meeting.
- 11.17 Giving the consent of the Council where such consent is required by these Council Procedure Rules.
- 11.18 Voting on appointments in accordance with these Council Procedure Rules.
- 11.19 Recorded votes in accordance with these Council Procedure Rules.

## 12. ~~MOTION~~MOTIONS AND AMENDMENTS

Formatted: Left, Indent: Left: 0 cm, First line: 0 cm

### 12.1 Procedure

A ~~motion~~Motion or amendment will not be discussed unless it has been proposed and seconded, and (unless notice has already been given in accordance with these Council Procedure Rules) it will, if required by the ~~Chairman~~Chair, be put into writing and handed to the ~~Chairman~~Chair before it is further discussed or put to the meeting.

### 12.2 Secunder's Speech

A Member when seconding a ~~motion~~Motion or amendment may, if he/she at that time declares his/her intention to do so, reserve his/her speech until a later period of the debate.

### 12.3 Amendments

An amendment must be relevant to the ~~motion~~Motion and should either:

- 12.3.1 refer a subject of debate to a committee, etc for consideration or re-consideration;
- 12.3.2 leave out words;
- 12.3.3 leave out words and insert or add others;
- 12.3.4 insert or add words;

An amendment which has the effect of negating the ~~motion~~Motion before the Council will not be accepted as an amendment.

### 12.4 One Amendment at a Time

Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of. A Member may not move more than one amendment relating to the same matter.

However, two or more amendments may be discussed (but not voted on) together if in the ~~Chairman~~Chair's opinion this would facilitate the proper conduct of the Council's business.

### 12.5 Further Amendments<sup>3</sup>

If an amendment is lost, other amendments may be moved on the original ~~motion~~Motion. If an amendment is carried the ~~motion~~Motion as amended takes the place of the original ~~motion~~Motion and shall become the ~~motion~~Motion upon which any further amendment may be moved.

### 12.6 Alteration of ~~Motion~~Motion

A Member may:

- 12.6.1 alter a ~~motion~~Motion of which he/she has given notice, or

<sup>3</sup> PLEASE NOTE: Members are reminded of the expectation that they will act in 'good faith' when applying this and other Procedure Rules.

Formatted: English (United Kingdom)



Formatted: Font: Bold

12.6.2 with the further consent of his/her Seconder alter a ~~motion~~Motion which he/she has moved, if (in either case) the alteration is one which could be made as an amendment thereto.

#### 12.7 Withdrawal

A ~~motion~~Motion or amendment may be withdrawn by the mover with the consent of his/her Seconder and of the Council (without debate), and no Member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused by the ~~Chairman~~Chair.

#### 12.8 Closure ~~Motion~~Motions

A Member may move without comment at the conclusion of a speech of another Member, "That the Council/Committee proceed to the next business", "That the question should now be put", "That the debate should now be adjourned", or "That the Council/Committee should now adjourn", on the seconding of which the ~~Chairman~~Chair shall proceed as follows:

Formatted: Left, Indent: Left: 0 cm, First line: 0 cm

12.8.1 on a ~~motion~~Motion to proceed to next business: unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original ~~motion~~Motion a right of reply, and then put to the vote the ~~motion~~Motion to proceed to the next business;

12.8.2 on a ~~motion~~Motion that the question should now be put: unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first put to the vote the ~~motion~~Motion that the question be now put, and if it is passed then give the mover of the original ~~motion~~Motion his/her right of reply under paragraph 12.9 of this Council Procedure Rule before putting his ~~motion~~Motion to the vote;

12.8.3 on a ~~motion~~Motion to adjourn the debate or the meeting: if in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he/she shall put the adjournment ~~motion~~Motion to the vote without giving the mover of the original ~~motion~~Motion his right of reply on that occasion.

#### 12.9 Right to Reply

The mover of a ~~motion~~Motion (but not an amendment) has a right to reply at the close of the debate on the ~~motion~~Motion, immediately before it is put to the vote, but such debate must be relevant to the ~~motion~~Motion. If an amendment is moved, the mover of the original ~~motion~~Motion also has a right of reply at the close of the debate on the amendment, but may not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his/her amendment.

#### 12.10 ~~Motion~~Motions which may be moved during Debate.

When a ~~motion~~Motion is under debate no other ~~motion~~Motion shall be moved except the following:

12.10.1 to amend the ~~motion~~Motion (with the exception of amendments on the Council's Budget which should be provided in writing to the Chief Executive at least 24 hours prior to the meeting);

12.10.2 to adjourn the meeting;

12.10.3 to adjourn the debate;

Formatted: Font: Bold

- 12.10.4 to proceed to the next business;
- 12.10.5 that the question should now be put;
- 12.10.6 that a Member should not be further heard;
- 12.10.7 by the ~~Chairman~~Chair under these Council's Procedure Rules that a Member should leave the meeting;
- 12.10.8 a ~~motion~~Motion under Section 100(A) of the Local Government Act 1972 (as amended) to exclude the public;
- 12.10.9 that leave be given to withdraw a ~~motion~~Motion or amendment.

### 13. QUESTIONS BY MEMBERS

13.1 A Member of the Council may ask any Member of Council ~~the Chair of Council, the Chair of a Committee or Leader of the Council~~ a question either:

- 13.1.1 by giving the question in writing to the Chief Executive not less than 24 hours before the Council meeting, or;
- 13.1.2 with the prior permission of the ~~Chairman~~Chair at the meeting itself on a matter of urgency which could not reasonably have met the rule under 13.1.1 (In this case Members should ensure that copies of the question are available for distribution at the meeting.)

Provided always that such questions ~~may~~shall be rejected by the Chief Executive ~~and/or Chairman~~Monitoring Officer, if they are matters for which the authority has no responsibility or which does not affect the District; is substantially the same as a question which has been put to Council in the past 12 months; or requires the disclosure of confidential or exempt information.

13.2 Every question shall be put and answered without discussion but the person to whom a question has been put may decline to answer. ~~In the absence of the Leader of the Council or relevant Chair, the question may be answered by their Deputy/Vice Chair.~~

13.3 An answer to a question asked as aforesaid may take the form of:

- 13.3.1 a direct or oral answer; or
- 13.3.2 where the desired information is contained in a publication of or document issued by the Council, a reference to that publication; or
- 13.3.3 where the reply to the question cannot conveniently be given orally, a written answer circulated to all Members of the Council within seven days after the date of the meeting.

### 14. MINUTES

No discussion will take place upon the minutes of Council, its Committees and other Member bodies, except upon their accuracy, and any questions of their accuracy shall be raised by ~~motion~~Motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the ~~Chairman~~Chair will sign the minutes.

Any Member at a meeting of the Council or of a Committee, may request that a minute be taken of what either they or any other Member has said in that meeting. The minute

Formatted: Indent: Hanging: 1.21 cm

Formatted: Font: Bold

will then be attributed to the Member making the comment as will all other comments made by Members, which are referred to in the minutes.

The text of all amendments, which are proposed and seconded, will be minuted in full.

## 15. ONE MEMBER AT A TIME

A Member when speaking should stand (unless the ChairmanChair agrees they may remain seated) and address the ChairmanChair. If two or more Members rise, the ChairmanChair shall call on one to speak; the other or others must then sit. While a Member is speaking the other Members must remain seated, unless rising to a point of order or in personal explanation.

## 16. SPEECHES

Formatted: Left, Indent: Left: 0 cm, First line: 0 cm

### 16.1 Contents and Duration of Speeches

A speech should relate to the question under discussion or to a point of order or of clarification. No speech may be longer than five minutes, except by consent of the ChairmanChair.

### 16.2 When a Member may Speak Again

A Member who has spoken on any motionMotion may not speak again whilst it is the subject of debate, except:

16.2.1 to speak once on an amendment moved by another Member;

16.2.2 if the motionMotion has been amended since he/she last spoke, to move a further amendment;

16.2.3 if his/her first speech was on an amendment moved by another Member (whether or not carried), to speak on the main issue;

16.2.4 in exercise of a right of reply given by these Council Procedure Rules;

16.2.5 on a point of order;

16.2.6 by way of personal explanation;

16.2.7 otherwise by consent of the ChairmanChair (subject to any proposal to move to next business which would take precedence).

## 17. POINTS OF ORDER

17.1 A Member may rise on a point of order or of clarification, and is then entitled to be heard at that point. A point of order may relate only to an alleged breach of these Council Procedure Rules or statutory provisions and the Members must specify both the Council Procedure Rule or statutory provision and the way in which he/she considers it has been broken. A point of clarification must be confined to some material part of a previous speech by him/her in the meeting taking place which may appear to have been misunderstood in the present debate.

17.2 The ruling of the ChairmanChair on a point of order or point of clarification is final.

## 18. RESPECT FOR CHAIR

Whenever the ChairmanChair requires it during a debate any Member then standing and/or speaking must resume his/her seat and cease speaking.

## 19. ATTENDANCE AND CONDUCT AT MEETINGS

19.1 A Member of the Council is permitted to attend a meeting of any Committee, Panel or Working Party of which he/she is not a Member (subject to the rules relating to declarations of interest). A Member attending a meeting of which he/she is not a standing Member shall speak once only on any item but may speak again at the discretion of the ~~Chairman~~Chair (subject to any proposal to move to next business which would take precedence).

19.2 A Member of the Council who has moved a ~~motion~~Motion which has been referred to any Committee or other Member body, shall have notice of the meeting of the Committee or other Member body at which it is proposed to consider the ~~motion~~Motion. He/she shall have the right to attend that meeting and, if he/~~she~~ attends, he/~~she~~ shall have an opportunity of speaking to the ~~motion~~Motion and exercising a right of reply.

### 19.3 Members' Conduct

19.3.1 If at a Council meeting the ~~Chairman~~Chair informs the Council of his/her opinion that a Member is misconducting himself/herself e.g.

- by persistently disregarding the ruling of the Chair;
- by behaving irregularly, improperly or offensively;
- by wilfully obstructing the business of the Council;
- because of the irrelevance or repetitious content or nature of
- his/her speeches;

the ~~Chairman~~Chair or any other Member may move "That the Member named be not further heard" and that ~~motion~~Motion if seconded shall be put and determined without discussion.

19.3.2 If the Member named continues his/her misconduct after a ~~motion~~Motion under the foregoing paragraph has been carried the ~~Chairman~~Chair shall:

EITHER move "That the Member named do leave the meeting" (in which case the ~~motion~~Motion shall be put and determined without seconding or discussion);

OR adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

19.3.3 In the event of general disturbance which in the opinion of the ~~Chairman~~Chair renders the due and orderly dispatch of business impossible, the ~~Chairman~~Chair in addition to any other power vested in him/her may, without question put, adjourn the meeting of the Council for such period as he/~~she~~ in his/~~her~~ discretion shall consider expedient.

[Note: A procedure for impolite/unruly/disruptive behaviour by Members at a meeting has been produced for Council/Committee ~~Chairman~~Chair in accordance with this Procedure Rule]

19.3.4 If a Member attends a Meeting, where any business of the meeting relates to or is likely to affect that Member's Disclosable Pecuniary Interest as described at

paragraph 7 (and Appendix A) of the Members Code of Conduct, then the Member:

- (i) must not participate in any discussion on that item of business;
- (ii) must not vote on that item of business;
- (iii) must retire from the Meeting, until the discussion and vote on that item of business has taken place.

19.3.5 If a Member attends a Meeting, where any business of the meeting relates to or is likely to affect that Member's Prejudicial Interest as described at paragraph 13 of the Members Code of Conduct, then the Member:

- (i) must not participate in any discussion on that item of business;
- (ii) must not vote on that item of business;
- (iii) must retire from the Meeting, until the discussion and vote on that item of business has taken place **UNLESS** the Member is exercising a Speaking Right as described in paragraph 1.5 of the Member Code of Conduct. Such a Speaking Right shall be exercised in accordance with paragraph 13 of the Member Code of Conduct and once exercised the Member must retire from the Meeting until the discussion and vote on that item of business has taken place.

19.3.6 In the event that the Member with the Interest described in paragraphs 7 and 13 of the Member Code of Conduct, does not abide by Rules 19.3.4 and 19.3.5, the ~~Chairman~~Chair shall follow the procedure under Rule 19.3.2.

#### 19.4 Disturbance by Members of the Public

If a member of the public interrupts the proceedings at any Council meeting the ~~Chairman~~Chair shall warn him. If he/she continues the interruption the ~~Chairman~~Chair shall order his/her removal from the meeting. In case of general disturbance in any part of the room where a meeting open to the public is held the ~~Chairman~~Chair shall order that part to be cleared.

[Note: A procedure following disruption to a meeting has been produced for Council/Committee Chairmen in accordance with this procedure rule].

#### 19.5 Photography, Audio/Visual recording of Meetings and Blogging/Tweeting

Photography, filming, audio/visual recording of meetings and use of social media such as blogging/tweeting during a meeting will be permitted provided that it is not disruptive and does not detract from the proper conduct of the meeting.

### 20. RESCISSION OF PRECEDING RESOLUTION

No ~~motion~~Motion to rescind any resolution passed within the preceding six months, and no ~~motion~~Motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless notice is given in writing, signed by at least five Members of the Council and delivered to the Chief Executive ten clear working days (i.e. excluding Saturdays, Sundays and Bank Holidays) before the meeting at which it is to be considered. When any such ~~motion~~Motion or

amendment has been dealt with by the Council, it shall not be open to any Member to propose a similar ~~motion~~Motion within a further period of six months.

However, this Council Procedure Rule does not apply to ~~motion~~Motions moved in pursuance of consideration of a recommendation of a ~~e~~Committee, or as a result of legislative change.

## 21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

### 21.1 Suspension

All of these Council Rules of Procedure except Rule 9.1.4 and this Rule 21.1 may be suspended by ~~motion~~Motion with notice or without notice if requested by at least two thirds of Councillors present and voting. Suspension can only be for the duration of the relevant item at the meeting.

### 21.2 Amendment

Any ~~motion~~Motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, if an item to make such an amendment has not appeared on the summons for the meeting.

## 22. RECORD OF ATTENDANCE

The Chief Executive as proper officer shall record the attendance of all Members present during the whole or part of every meeting of the Council or its ~~e~~Committees, etc but the ~~Chairman~~Chair of any such meeting may, exceptionally, require all such Members to sign their names on attendance sheets before the conclusion of any meeting to assist with the record of attendance.

The timing of any Member's late arrival or early departure from meetings will be recorded.

## 23. EXCLUSION OF THE PRESS AND PUBLIC

Members of the public and/or press may only be excluded either in accordance with the Access to Information rules in this constitution or Council Procedure Rule 19.4 (Disturbance by Members of the Public).

## 24. APPOINTMENT OF COMMITTEES, ETC OF SUBSTITUTE AND CO-OPTED MEMBERS OF COMMITTEES AND SUB-COMMITTEES

### 24.1 Appointment of Committees, Sub-Committee, Panels

24.1.1 Prior to Annual Council, the leader of each political group shall notify the Chief Executive of the names of the Members of each group to be appointed to each Committee, Sub-Committee and Panel in accordance with the number of seats available to them on each such body.

24.1.2 Election of ~~Chairman~~Chair and Vice-~~Chairman~~Chair of Committees, Sub-Committees, Panels and Working Parties

Every Committee, Sub-Committee, Panel and Working Party shall, at its first meeting after the Annual Meeting of the Council before proceeding to any other business elect a ~~ChairmanChair~~ for the ensuing Municipal year, and may at any time appoint a Vice-~~ChairmanChair~~. In the absence from a meeting of the ~~ChairmanChair~~ (and Vice-~~ChairmanChair~~ if elected) a ~~ChairmanChair~~ for that meeting may be appointed.

#### 24.1.3 Special Meetings

The ~~ChairmanChair~~ of the Committee, Sub-Committee, Panel or Working Party or the ~~ChairmanChair~~ of the Council may call a special meeting of the Committee, Sub-Committee, Panel or Working Party at any time. A special meeting shall also be called on the requisition of half of the whole number of the Committee, Sub-Committee, Panel or Working Party, delivered in writing to the Chief Executive. The summons to the special meeting shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at that meeting.

#### 24.1.4 Working Parties

Every Committee, Sub-Committee and Panel appointed by the Council may appoint Working Parties for purposes to be specified by the Committee or Panel.

### 24.2 **Substitutions**

#### 24.2.1 Allocation

As well as allocating seats on Committees and Sub-Committees, the Council will allocate Members in the same manner as substitute Members. The onus for nominating the respective substitute Member for each Member body rests with the appropriate political group. Nominations are to be made by the leader of each political group.

#### 24.2.2 Number

For each relevant Committee or Sub-Committee, the Council (or Committee in the case of a Sub-Committee) will appoint up to three substitutes in respect of each group, any of whom may substitute for any Committee Member(s) in their group. All exceptions to this are specified in the Committee or Sub-Committee Terms of Reference.

#### 24.2.3 Powers and Duties

Substitute Members will have all the powers and duties of any ordinary Members of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

#### 24.2.4 Substitution

Substitute Members may attend meetings in that capacity only:

- 24.2.4.1 to take the place of an absent ordinary Member for whom they are the designated substitute;
- 24.2.4.2 where the ordinary Member will be absent for the whole of the meeting;
- 24.2.4.3 (in the case of Planning and Licensing Committee), where the substitute Member has attended training (and not until or unless such induction training has been undertaken, and thereafter any annual training arranged for Members);

~~24.2.4.4 (in the case of Planning and Licensing Committee), where the usual Member of the Committee, or in his/her absence, the Group Leaders (or his/her Deputy) have given a minimum of one clear days notice to the relevant Democratic Services Officer that they are unable to attend, and the name of substitute Member attending; and~~

Provided the above conditions have been satisfied, the substitute Member shall retain the right to vote for the duration of the meeting and may not be replaced by the Member for whom he or she is substituting.

However, if the Member who is to be replaced ("the original Member") is present at the start of the meeting then the substitution shall not have effect for that meeting - so that the substitute may not speak and/or vote in that capacity at that meeting and may only otherwise speak with the prior consent of the ~~Chairman~~Chair. This will not apply where Planning Committee substitute Members have been nominated to attend.

Where the original Member is not present at the start of the meeting at which the substitute is present, but arrives later, the original Member may not speak and/or vote at that meeting as a member of that Member Body and may only otherwise speak with the prior consent of the ~~Chairman~~Chair.

### 24.3 Co-option of Non-Councillors onto the Council's Working Parties & Finance & Assets (Ethical Governance) Sub-Committee

- 24.3.1 No more than two co-optees may be appointed to any individual Working Party.
- 24.3.2 Co-optees to Finance & Assets (Ethical Governance) Sub-Committee will be appointed in accordance with the Terms of Reference for the Sub-Committee.
- 24.3.3 The duration of the co-optees appointment should be a matter for the Working Party to make recommendations to Council in each instance, with the proviso that co-options would end at the end of each municipal year (requiring the co-optees to be formally re-appointed or new ones to be appointed at the first meeting of the Working Party) and that the Working Party should have the power to recommend to Council the termination of any co-option at any time.
- 24.3.4 Co-optees on Working Parties have voting rights.
- 24.3.5 Co-optees do not count for the purposes of the quorum.



24.3.6 It is a specific term of the appointment of co-optees that they do not make statements to the press on the business of or purporting to be on behalf of the Working Party.

24.3.7 There are no rights of substitution for co-opted Members.

## 25. REFERRAL-UP

25.1 If a Policy Committee/ Sub-Committee<sup>4</sup> are unwilling or unable to make a decision<sup>5</sup> on any matter within its Terms of Reference, the Committee/ Sub-Committee may resolve to refer the matter to Full Council for final determination.

25.2 The Council referral-up rule above shall not apply where the decision being taken by the Policy Committee/ Sub-Committee is urgent. Items leading to decisions likely to be categorised as urgent should be identified as such on the published agenda or, where not so practicable, at the meeting itself and on the Decision Notice. Any Member wishing to challenge that categorisation must do so prior to the consideration of the item by the Committee/ Sub-Committee. A decision will be urgent if any delay would seriously prejudice the Council's or the public's interests. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to referral-up. The Leader of the Council (if any) and ~~Chairman~~Chair of the Committee/ Sub-Committee must agree to it being treated as a matter of urgency. In the absence of the ~~Chairman~~Chair, the Vice-~~Chairman~~Chair's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required.

## 26. COUNCIL CALL-IN

26.1 Member Call-in should only be used in exceptional circumstances. The procedure for call-in will be as follows:

26.1 When a decision is made by a Policy Committee/ Sub-Committee, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council as soon as practicable after being made and within 3 working days of the meeting. All Councillors will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

26.2 That decision notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the 7<sup>th</sup> working day after the publication, **unless** any 3 Members call it in to Full Council within 5 working days of the meeting, excluding the day of the decision. Recommendations of the Policy Committee to other bodies (or to Council), or urgent decisions (see Rule 26.6) cannot be called-in. Receipt of the call-in suspends implementation of the decision, until confirmation of rejection of the call in/ or where accepted, final determination by Full Council (where appropriate).

<sup>4</sup> This does not include regulatory matters, such as Licensing, Planning or Councillor conduct, unless in respect of Councillor conduct, a request is made to Full Council to censure a Councillor.

<sup>5</sup> This does not include urgent decisions, which should be categorised on the Committee agenda and/or Decision Notice as such. A decision will be urgent if any delay is likely to cause serious prejudice to the Council or the public's interests. See Rule 26.6.

- 26.3 A call-in of a decision should be made in writing to the Chief Executive on the specified call-in form. Where a decision is called-in during that period, the Chief Executive shall notify the **ChairmanChair** of the relevant Committee or Sub-Committee that a call-in has been received (and any relevant officers). Copies of the call-in will be given to the Leaders of the Council's political groups as soon as possible.
- 26.4 Formal written acceptance or refusal of the call-in will be given to the Members calling in the decision within 5 working days of its receipt by the Chief Executive or in his absence Democratic Services Manager. Any refusal must include the reasons for that refusal.
- 26.5 If a Call-in is accepted, it will then be considered by the next programmed meeting of Full Council or by a special meeting convened in accordance with this Constitution. No action on the decision will be taken until Full Council has considered the decision and shall make a final decision (and in doing so may resolve to uphold, amend or reject the previous decision). This decision shall then take effect from the date when made by Full Council.
- 26.6 **Council call-In and urgency:** The Council call-in procedure rules above shall not apply where the decision being taken by the Policy Committee/ Sub-Committee is urgent. The process for challenging this categorisation and designation of a decision as urgent, as set out under Rule 25.2 above shall apply.

## 27. APPLICATION TO COMMITTEES AND OTHER MEMBER BODIES

- 27.1 All the Council Procedure Rules apply to meetings of full Council.
- 27.2 All the Council Procedure Rules with the exception of Rules 1, 2, 4, 6, 10, 11, 13, 15, and 21.2 apply to meetings of the Council's Committees and other Member Bodies.
- 27.3 Committees may appoint and dissolve their Sub Committees, Working Parties and determine their Sub Committees terms of reference and appointment.
- 27.4 The Chief Executive (Lead Officer in the case of the Shareholder Committee) may call or those listed below may request the Chief Executive (Lead Officer in the case of the Shareholder Committee) to call Committee, Sub-Committee or Working Party meetings in addition to previously scheduled meetings, and in the case of the Shareholder Committee request the attendance of the **ChairmanChair** and Managing Director of the LATC:
- 27.4.1 the member body itself by resolution;
- 27.4.2 the **ChairmanChair** of the member body;
- 27.4.3 the Monitoring Officer or Lead Officer(s) for the member body; and
- 27.4.4 any three Members of Council, at least two of whom must be on the member body, if they have signed a requisition presented to the **ChairmanChair** of the member body who has refused to call a meeting or has failed to call a meeting within eight working days of presentation of the requisition.

## 28. MEMBER BODY ~~MOTION~~**MOTIONS** WITHOUT NOTICE

Amongst others the following ~~motion~~Motions and amendments may be moved without notice at a meeting of a member body:

- 28.1 Appointment of a ~~chairman~~Chair of that meeting.
- 28.2 ~~Motion~~Motions relating to the accuracy of the minutes of the previous meeting.
- 28.3 That an item of business listed in the summary be brought forward.
- 28.4 Reference back of a recommendation to a sub-committee or working party, etc.
- 28.5 Appointment of members to a Sub-Committee or Working Party, occasioned by an item mentioned in the summons to the meeting.
- 28.6 Receipt and adoption of reports and recommendations of Sub-Committees etc.
- 28.7 That leave be given to withdraw a ~~motion~~Motion.
- 28.8 Extending the time limit of speeches.
- 28.9 Amendment to ~~motion~~Motions.
- 28.10 That the member body proceeds to the next business.
- 28.11 That the question be now put.
- 28.12 That the debate should now be adjourned.
- 28.13 That the member body should now adjourn.
- 28.14 Suspending the constitution or any part of it (in accordance with the Council Procedure Rules).
- 28.15 ~~Motion~~Motion under S100A of the Local Government Act 1972 (as amended) to exclude the public (including the press).
- 28.16 That a Member named under these Council Procedure Rules should be not further heard or should leave the meeting.
- 28.17 Giving the consent of the Council where such consent is required by these Council Procedure Rules.
- 28.18 Voting on appointments in accordance with these Council Procedure Rules.
- 28.19 Recorded votes in accordance with these Council Procedure Rules.

## 29. LOCATION OF MEMBER BODY MEETINGS

- 29.1 These will generally be at the Council Offices at The Grange but in consultation with the ~~Chairman~~Chair of the relevant body, the lead officer for that body may arrange a particular meeting at an alternative venue if appropriate. The final decision on location will be taken when the agenda for that meeting is finalised.

