

Council Procedure Rules

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1 Annual Meeting of Council

1.1. Timing and business

- a) In a year when there is an ordinary election of Councillors, the Annual Meeting will take place on the eighth day after the retirement of Councillors or any other day within 21 days of the retirement of Councillors as the Council may decide. In any other year, the annual meeting will take place in March, April or May as the Council may decide.
- b) The Annual Meeting will:
 - i) elect a person to preside if the Chair of the Council is not present
 - ii) elect the Chair of the Council
 - iii) appoint the Vice Chair of the Council
 - iv) approve the minutes of the last meeting
 - v) receive any announcements from the Chair and/or Chief Executive
 - vi) elect the Leader of the Council when appropriate (see Article 6 of the Constitution)
 - vii) establish and appoint to Committees, Sub Committees and Working Groups, Parties and Panels as required, and as considered appropriate. Appointments will be made to those Committees and to outside bodies on which the Council is represented, as prescribed below
 - viii) appoint Member Champions where appropriate
 - ix) agree the scheme of delegation (as set out in Part 3 of the Constitution)
 - x) approve a programme of ordinary meetings of the Council for the year
 - xi) consider any business set out in the notice convening the meeting
 - xii) presentation of Civic Awards proposed by the Civic Awards Panel.

1.2. Appointment of Members on Committees, Sub-Committees, Working Groups, Parties, Panels and Outside Bodies

- a) When establishing Committees at the Annual Meeting, the Council will:
 - i) decide the size and terms of reference of Committees, Sub Committees, Working Groups, Parties and Panels
 - ii) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules
 - iii) receive nominations of Councillors to serve on each Committee, Sub Committees, Working Group, Party, Panel and outside body
 - iv) appoint to those Committees, Sub Committees, Working Groups, Parties, Panels and outside bodies except where appointment to those bodies has been delegated by the Council to another body or person.

2 Ordinary Meetings of Council

2.1. Programme of meetings

- a) Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. The Chair will have the discretion to change the date and times of these meetings.

2.2. Business at ordinary meetings

- a) Ordinary meetings will:
 - i) elect a person to preside if the Chair and Vice Chair are not present
 - ii) receive any apologies for absence
 - iii) receive any declarations of interest from Councillors
 - iv) deal with any business required by law
 - v) approve and sign the minutes of the last Council meeting
 - vi) receive communications from the Chair
 - vii) receive petitions from the public
 - viii) receive and answer questions from the public
 - ix) where appropriate, receive and answer questions from the Youth Council

- x) receive and answer questions from Councillors
- xi) consider notices of motion in the order in which they were received
- xii) where appropriate, hold a main debate under Rule 16
- xiii) where appropriate, deal with any business from the last Council meeting
- xiv) where appropriate, receive reports from the Council's Cabinet and Committees and receive questions and answers on any of those reports
- xv) where appropriate, receive reports, ask questions and receive answers on business of joint arrangements and external organisations
- xvi) where appropriate, receive and consider reports from Officers
- xvii) receive and note information including:
 - communications from Committees
 - at the last ordinary meeting in the municipal year, written reports from Member Champions and Councillors nominated to outside bodies
- xviii) deal with any other business on the summons
- xix) deal with any items of an urgent nature (Rule 17).

2.3. Variation of business

- a) The Chair may at any meeting vary the order of business apart from the matters listed at i) to iv) inclusive.

3 Special Meetings of Council

3.1. Calling

- a) Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:
 - i) the Council by resolution
 - ii) the Chair of the Council
 - iii) the Monitoring Officer

- iv) If the Chair has refused to call a meeting, five or more Councillors can call a meeting either in writing or by e-mail. This can only be done if the Chair has refused to call a meeting, or has failed to call a meeting within seven days of the request by Councillors.
- b) These meetings will take place on a date and time determined by the Council, or Chair of the Council. In the absence of the Chair, the Vice Chair will determine the time and place. In the absence of both the Chair and Vice Chair, the Chief Executive will determine the date and time.

3.2. Business

- a) The order of business at special meetings shall be as follows:
 - i) elect a Councillor to preside if the Chair and Vice Chair are not present to preside for the meeting
 - ii) receive any apologies for absence
 - iii) deal with any business required by law to be done
 - iv) receive any declarations of interests from Councillors
 - v) consider the business specified on the agenda. This will be the business, or notice of motion, presented to the Chair of the Council as a requisition for the meeting.
- b) The Chair at any meeting may vary the order of business apart from the matters listed at (i) to (iv) inclusive above.
- c) The order of business at any special meeting will exclude the business specified at Procedure Rules 2.2 v), vi), viii), ix), x), xi), and xiv) above.

4 Substitute Members of Committees and Sub Committees

4.1. Allocation

- a) As well as allocating seats on Committees and Sub Committees, Council will allow Councillors to be substituted on Committees (except for the Licensing Committee and its Sub Committee(s), or where membership of Cabinet or other Committee(s) prevents the Councillor from acting as a substitute.)

4.2. Number

- a) For each Committee or Sub Committee, each political group may nominate any Councillor from their political group as a substitute, unless that Councillor is disqualified from membership.

4.3. Powers and duties

- a) Substitute Councillors will only have the powers of an ordinary member of the Committee, unless they are elected as Chair during the meeting.

4.4. Substitution

- a) Substitute Councillors may attend meetings in the following capacity only:
 - i) to take the place of the ordinary Councillor for whom they are the designated substitute.
 - ii) where the ordinary Councillor will be absent for the whole of the meeting.
 - iii) after the ordinary Councillor has notified the Director of Governance and Corporate Support, or other appropriate Officer(s), before the start time of the meeting that a substitute will be attending in their place,. If the ordinary Councillor is absent due to exceptional circumstances then the Councillor who is acting as their substitute can notify the relevant Officer.

5 Time and Place of Meetings

- 5.1. The time and place of meetings will be determined by the Chair and notified in the summons for the meeting.

6 Notice and Summons to Meeting

- 6.1. The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five (5) clear working days (excluding the day of the meeting) before a meeting, the Chief Executive will arrange for a summons for the meeting to be sent by post or electronically to every Councillor or arrange for it to be left at their usual place of residence if required. The summons will give the date, time and place of each meeting and specify the business to be transacted will also be accompanied by such reports as are available.

7 Chairing of Meeting

- 7.1. The person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to Committee and Sub Committee meetings, references to the Chair also include the Chair of Committees and Sub Committees.
- 7.2. If the Chair of a Committee is absent from a meeting of that body then the Vice Chair, if present, shall preside.
- 7.3. In the absence of the Chair and Vice Chair of a Committee from a meeting of that body or if both should be ineligible to preside, a Chair for the meeting or part thereof may be appointed by the Committee.

8 Quorum

- 8.1. The quorum of a meeting will be at least a quarter (rounded up) of the whole number of Councillors or three, whichever is the greater. If at the time set for the start of a meeting the required number of Councillors are not present, ten minutes will be allowed for Councillors to arrive. If after ten minutes the required number of Councillors are still not present, it can be declared that the meeting cannot proceed due to not enough members being present (inquorate). Business will be considered at the next ordinary meeting, unless the Chair agrees a date and time for the business to be considered.

9 Duration of Meeting

- 9.1. Duration and remaining business
 - a) Meeting will be a maximum of two hours unless the majority of Councillors present vote for the meeting to continue for a specified time or purpose. Remaining business will be considered at a time and date decided by the Chair. If they do not decide a date, the remaining business will be considered at the next ordinary meeting.
- 9.2. Recorded vote
 - a) If a recorded vote is called for when deciding whether to continue the meeting this will be taken immediately.
- 9.3. Motions that may be moved
 - a) During the process (set out in this Rule 9) the only other motions which may be moved are that a matter be withdrawn or be delegated or referred to an appropriate body or individual for decision or report.

9.4. Close

- a) When all business of the meeting has been dealt with, the Chair will declare the meeting closed.

10 Questions by Public, Youth Council and Councillors

10.1. General

- a) Members of the public, Youth Council and Councillors may, in accordance with the provisions of Rules 10.2, 10.3, 10.5 and 10.6 ask questions as follows:
 - i) at an ordinary meeting of Full Council to the Chair of the Council, Leader, a Portfolio Holder or the Chair of any Committee
 - ii) at a meeting of Cabinet to the Leader or a Portfolio Holder
 - iii) at a meeting of a Committee or Sub Committee to the Chair of the Committee or Sub Committee if the matter falls within the terms of reference of that Committee or Sub Committee.
- b) Questions must relate to the business of the Council or affect the district.
- c) Questions must be no longer than 200 words.

10.2. Criteria

- a) A member of the public asking a question must either:
 - i) be a registered local government elector for the Harlow area, or
 - ii) for the previous 12 months:
 - occupied, as owner or tenant, property in the Harlow area
 - had their principal place of employment in the Harlow area
 - resided in the Harlow area.

10.3. Notice

- a) A question may only be asked if notice has been given in writing or by e-mail to the Chief Executive at least three clear working days (excluding the day of the meeting) before the meeting by 12pm that day. For a meeting held on Thursday, a question must be submitted by Friday at 12pm, provided there is no public holiday. Each question must give the name and address of the questioner and the

name of the Councillor who will answer it. Any questions received will be acknowledged. The questioner will be provided with a copy of this Rule and an explanation of the process of the meeting, including the provisions relating to supplementary questions.

- b) For Questions from Councillors, if the question relates to urgent matters, in order for the question to be asked, the Councillor must have:
 - i) The consent of the Chair of the meeting where the question is to be put; and
 - ii) Sent the question to the Chief Executive before the start of the relevant meeting.

10.4. Order

- a) Questions will be asked in the order in which they were received. The Chair, however, may group similar questions together.

10.5. Number

- a) At any one meeting no member of the public, Youth Councillor, or Councillor may submit more than two questions.

10.6. Rejection

- a) The Chief Executive may reject a question if it is:
 - i) not about a matter for which the Council has a responsibility or which affects the district
 - ii) defamatory, frivolous, vexatious or offensive
 - iii) substantially the same as a question which has been put at a meeting of the Council in the past six months
 - iv) requires the disclosure of confidential or exempt information.

10.7. Record

- a) The Chief Executive will keep a copy of each question. These will be attached to the minutes of the meeting. A copy of the question will be sent to the Councillor to who was asked the question. Rejected questions will include reasons for rejection. The Chief Executive will ensure that any question received (unless rejected) is referred to the next meeting of Council or the appropriate Committee unless the matter is exempt as defined by the Local Government Act 1972. The questioner will be advised whether their question has been rejected

or accepted and, if accepted, where it has been referred to which Committee it has been referred.

10.8. Public availability

- a) Copies of all questions and written answers will be made available to Councillors and the public attending the meeting.

10.9. Editing

- a) Any question received by the Chief Executive may be edited by them to ensure it is concise and to avoid duplication and repetition. If a question is edited, the edited question will be provided to the questioner prior to the meeting.

10.10. Asking the question

- a) The Chair at the meeting will invite the questioner to ask their question. It will be asked in the form that it has been submitted, or amended by the Chief Executive. If a questioner who has submitted a question is not present when the item is called, it will be deleted from the list of questions to be asked.
- b) For questions from Councillors, the question and the answer will be taken as read, unless the Councillor asking the question requests they are read out.

10.11. Absence of discussion

- a) Every question from the public, Youth Councillor, and Councillor will be asked and answered without discussion. However, the Councillor who has been asked the question can decline to answer it.

10.12. Response

- a) An answer may take the form of:
 - i) a direct oral answer
 - ii) where the relevant or desired information is contained in the publication of the Council or other published work, a reference to that publication
 - iii) where the reply to the question cannot conveniently be given orally, a written answer will be circulated to all Councillors attending the meeting and to the questioner within ten working days of the meeting.

10.13. Supplementary question

- a) A questioner who has sent in a written question may also ask one supplementary question without notice to the Councillor who has replied to their original question. A supplementary question must relate directly to the original question or the reply. The Chair may reject a supplementary question on any of the grounds in Rule 10.6 above.

10.14. Written answers

- a) Written answers will be no longer than 300 words.
- b) Any question which cannot be dealt with during public, Youth Councillor, or Councillor question time, either because of lack of time or because of the non-attendance of the Councillor who has been asked the question, will be dealt with by a written answer.

10.15. Referral to committees

- a) Although no discussion will take place on any questions asked, any Councillor may move that the question be referred to Council, Cabinet or the appropriate Committee or Sub Committee. If seconded, this motion will be voted on without discussion.

10.16. Time limit

- a) Public question time will be a maximum of 30 minutes at Council and 15 minutes at Cabinet, Committee, or Sub Committee meetings . If there are exceptional circumstances, the Chair of the meeting may extend the public question time. Youth Councillor, and Councillor question times will have the same time limits.

10.17. Questions without notice

- a) Councillors may, with to the consent of the Chair of a meeting, ask up to two questions without notice on any business item in a report when that item is being considered at the following meetings:
 - i) at an ordinary meeting of Full Council to the Chair of the Council, Leader, a Portfolio Holder or the Chair of any Committee
 - ii) at a meeting of a Committee or Sub Committee to the Chair of the Committee or Sub Committee if the matter falls falls within the terms of reference of that Committee or Sub Committee.
- b) In the absence of the Leader or a Portfolio Holder, their designated deputy may answer in their place.

- c) The Councillor answering the question may also decline to answer the question, or provide a written answer within 10 working days of the meeting.

11 Motions on Notice

11.1. Notice

- a) Except for motions which can be moved without notice under Rule 12, written notice of every motion must be signed by at least two Councillors. There will be a proposer of the motion and a seconder. Where notice of motion is given by e-mail, it must be sent by the proposer. The seconder must confirm by a separate e-mail that they are seconding the motion.
- b) Notice of the motion and separate seconding e- mail must reach the Chief Executive no later than 5pm seven clear working days prior to the day of the Council meeting at which the motion is intended to be moved. For a meeting on Thursday, the deadline would be Monday the week before, unless there is a public holiday. If a motion arises from a committee meeting held after that deadline, this notice must be received by mid-day on the working day after that meeting.
- c) E-mails must be sent from an e-mail account previously notified to the Council by the Councillor in question, prior to deadline set out in b) above, otherwise they will not be valid for the purposes of this provision.
- d) All notices and e-mails will be acknowledged by or on behalf of the Chief Executive.
- e) Any motion may be edited by the Chief Executive in consultation with the mover either to bring it into proper form or to make it more concise.

11.2. Motion set out in agenda

- a) Motions for which the required notice has been given will be listed on the agenda of the next relevant meeting. Motions will be listed in the order in which notice was received. If the Councillor giving notice wishes to move it to a later meeting or withdraw it, this must be confirmed in writing.

11.3. Scope

- a) Motions must relate to something the Council has power or responsibility over, or something which affects the Council or the district.

- b) If the subject matter of any motion of which notice has been given comes within the remit of any Committee, it will be referred to the relevant Committee. The Committee will report back to Council, subject to (c) below.
- c) The Chair may allow the motion to be dealt with at the meeting at which it is proposed if they consider it to be urgent, convenient or productive to the business of the meeting.
- d) If a motion is not moved at the meeting of Council at which the motion is set out in the summons either by the Councillor who gave notice or by the seconder, it will, unless postponed by consent of the Council, be treated as withdrawn. It will not be moved without fresh notice being given.
- e) In the case of motions moved under this Rule and approved by Council, Officers will report to the relevant Committee on the progress made implementing the decision at the next meeting following the meeting when the decision was made. The Chief Executive will decide which Committee will receive a report.

12 Motions Without Notice

12.1. The following motions may be moved without notice:

- a) to appoint a Chair of the meeting at which the motion is moved
- b) in relation to the accuracy of the minutes
- c) to refer something to an appropriate body or individual
- d) to appoint a Committee or Councillor arising from an item on the summons for the meeting
- e) to withdraw a motion
- f) to amend a motion
- g) to proceed to the next business
- h) that the question be now put
- i) to adjourn a debate
- j) to adjourn the meeting
- k) to suspend a particular Council Procedure Rule
- l) to exclude the public and press in accordance with the Access to Information Procedure Rules

- m) to not hear further a Councillor named under Rule 26.4 or to exclude them from the meeting under Rule 26.5
- n) to give the consent of the Council where its consent is required by the Constitution
- o) that business of an objectionable character or seriously prejudicial to the interests of the Council be not entertained or further permitted
- p) motions and amendments arising out of the debate
- q) for such other purpose as the Chair may in their sole discretion approve.

13 Motions on Expenditure

13.1. The following motions, if agreed, will be discussed at the next ordinary meeting of the Council:

- a) any motion that increases expenditure on, or reduce the revenue from, any service which is under the management of any Committee
- b) any motion that involves capital expenditure.

13.2. Any Committee affected by the motion may report on the motion. The Cabinet will report on the financial aspects of the proposal and any other aspects as it thinks necessary.

13.3. This Rule will not apply to proposals:

- a) contained in a recommendation or report of the Cabinet
- b) contained in a recommendation, or report of another Committee which has been approved by the Cabinet
- c) with a value below £5,000.

14 Petitions

14.1. Details of the Council's Petitions Scheme are contained in Part 5 of the Constitution.

15 Rules of Debate

15.1. No speeches until motion seconded

- a) There will be no debate until the motion has been seconded.

15.2. Right to require motion in writing

- a) Unless notice of the motion has already been received in writing, the Chair may require it to be handed to them in writing before it is discussed.

15.3. Secunder's speech

- a) When seconding a motion or amendment, a Councillor may keep their right to speak later in the debate.

15.4. Content and length of speeches

- a) Speeches must be directed to the issue under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chair.

15.5. When a Councillor may speak again

- a) A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:
 - i) to speak once on an amendment proposed by another Councillor
 - ii) to propose a further amendment if the motion has been amended since they last spoke
 - iii) if their first speech was on an amendment proposed by another Councillor, to speak on the main issue. It does not matter if the amendment was carried
 - iv) speaking to second a motion (or amendment) having previously reserved the right to speak later
 - v) in exercise of a right of reply
 - vi) on a point of order (which must be specified)
 - vii) by way of personal explanation (Rule 15.13)
 - viii) to give notice of a further amendment
 - ix) at the absolute discretion of the Chair
 - x) to propose any of the motions mentioned in Rules 12 and 15.11 (motions without notice and closure motions).

15.6. Amendment to motions

- a) Only one amendment may be proposed and discussed at any one time.
- b) No further amendment may be proposed until the amendment under discussion has been approved or rejected. However, the Chair may permit two or more motions or amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of business.
- c) An amendment to a motion must be relevant to the motion and must not contradict the motion. Amendments will either be to:
 - i) refer the matter to an appropriate body or individual for consideration or reconsideration
 - ii) remove words
 - iii) remove words and add others
 - iv) add words.
- d) The Chair may accept an amendment in any form if it is strictly relevant to the motion and does not contradict the motion. .
- e) If an amendment is not agreed, other amendments to the original motion may be proposed.
- f) If an amendment is agreed, the amended motion takes the place of the original motion. This becomes the substantive motion to which any further amendments may be proposed.
- g) After an amendment has been agreed, the Chair will read out the amended motion before accepting any further amendments or speakers. If there are no further amendments, the motion will be put to the vote.

15.7. Alteration of motion

- a) A Councillor may alter a motion of which they have proposed with the consent of the meeting. The meeting's consent will be signified without discussion.
- b) A Councillor may alter a motion they have proposed without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- c) Only alterations which could be made as an amendment under Rule 15.6 may be made.

15.8. Withdrawal of motion

- a) A Councillor may withdraw a motion they have proposed with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

15.9. Right of reply

- a) The proposer of a motion has a right to reply at the end of the debate on the motion before it is put to the vote.
- b) If an amendment is proposed, the proposer of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak about it.
- c) The proposer of the amendment has no right of reply to the debate on their amendment.

15.10. Motions which may be proposed during the debate

- a) When a motion is under debate, no other motion may be proposed except the following procedural motions:
 - i) to withdraw or postpone a motion
 - ii) to amend a motion
 - iii) to proceed to the next business
 - iv) that the question be now put
 - v) to adjourn the debate
 - vi) to adjourn the meeting
 - vii) to exclude the public and press in accordance with the Access to Information Procedure Rules
 - viii) to not hear further a Councillor named under Rule 26.4 or to exclude them from the meeting under Rule 26.5.

15.11. Closure motions

- a) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, they will give the proposer of the original motion a right of reply and then put the procedural motion to the vote.

- b) If a motion that the matter has been discussed enough is seconded and the Chair agrees that the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before the motion is voted on.
- c) If a motion to adjourn the debate or meeting is seconded and the Chair thinks the item has not been sufficiently discussed, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply. If carried, the Council (or Committee) will decide whether the meeting will be adjourned or whether the debate will carry on with no break. If the meeting is adjourned the Chair will identify the likely timescale for resumption of the debate/meeting.

15.12. Point of order

- a) A Councillor may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of the Council Rules of Procedure or law. The Councillor must indicate the Rule or law and how they think it has been broken. The ruling of the Chair on the matter will be final.

15.13. Personal explanation

- a) A Councillor may make a personal explanation at any time. A personal explanation can only relate to some material part of an earlier speech made by the Councillor that may have been misunderstood in the present debate. The Chair will decide whether the personal explanation is admissible.

16 Main Debate

16.1. A debate concentrating on matters of interest to the community may be held at any ordinary meeting other than the first ordinary meeting of Council after the Annual Meeting. This will include any highlights, pressures and potential issues for the coming year.

16.2. The following procedure shall apply:

- a) the Leader will advise the Chief Executive in writing if they wish to have an annual debate and of the theme of the debate seven working days before the date of the intended meeting.
- b) the Chair will call on the Leader to introduce the topic
- c) the relevant Councillor will introduce the debate or call on an invited speaker to do so

- d) other Group Leaders will then be called to contribute to the debate. Afterwards, other Councillors will have the opportunity to speak once
- e) as the debate is not based on a motion the normal rules of debate at Council meetings will not apply to the main debate. The following Rules will apply
 - i) Length of speeches
 - The Leader of the Council and the Leader of the Opposition will be given ten minutes.
 - Other Councillors will be given five minutes.
 - ii) Rule 15.12 (Point of order)
 - iii) Rule 15.13 (Personal explanation)
- f) at the end of the debate or after 40 minutes (whichever is sooner) the Chair shall call for a conclusion of the debate. The Councillor speaking at that point in time shall be permitted to finish their speech
- g) each Group Leader shall then be given the opportunity to respond to the debate. The Leader of the Council will end the debate. Speeches at this stage will be up to five minutes.
- h) issues raised during the debate that require further consideration will be referred to the relevant committee(s) by way of report from the Chief Executive to that Committee.

16.3. At the first ordinary meeting following the Annual Meeting, there will be a main debate on the work undertaken by the Council in the previous year, together with any highlights, pressures and potential issues for the coming year to which the above procedure shall apply.

17 Urgent Business

17.1. Urgent business can be considered at a meeting of Full Council or of a Committee where the Chair is of the opinion that the item should be considered as a matter of urgency by reason of special circumstances which must be specified in the minutes.

17.2. Without in any way restricting the opinion of the Chair:

- a) Councillors wishing to raise items of business they consider to be urgent should, wherever possible, notify the Chair of the meeting of the item prior to the start of the meeting
- b) the item must be one that could not be deferred until the next meeting of Full Council or the appropriate Committee. It must include

an issue that has arisen following publication of the agenda for the meeting.

- c) The Chair of the relevant meeting will consult the Director of Governance and Corporate Services on the request for a matter of urgent business to be considered.

18 Public Speaking

18.1. Without prejudice to Rules 10 (Questions by the Public, Youth Councillors, and Councillors) and 14 (Petitions) and the provision made by the Council for the public and others to address the Development Management Committee, Licensing Sub Committee and Regulatory Sub Committee, members of the public shall not address meetings of the Council and its Committees except in exceptional circumstances. They must also have the prior agreement of the Chair. Agreement of the Chair must be requested in writing.

18.2. Development Management Committee Public Participation Procedure.

- a) At the discretion of the Chair, the following procedure will apply to public participation in association with the consideration of Committee items. Comments will be invited from members of the public who have registered to speak with the Governance Support Section at least 24 hours in advance of the meeting, as follows:
 - i) three (maximum) speakers against an application
 - ii) three (maximum) speakers for an application
 - iii) the Ward Councillors (except if they are acting as a member of the Committee)
 - iv) one representative on behalf of the agent or applicant.
 - v) each speaker will be limited to 3 minutes (maximum).

19 Decisions Referred to Council from Cabinet or Committees

19.1. The procedure for dealing with decisions referred from Cabinet or Committees at the Council meeting is set out below:

- a) the Leader or the relevant Chair (or other Councillor on the Leader or Chair's behalf) will formally propose that the Committee decision on the item referred be reaffirmed
- b) the Deputy Leader or relevant Vice Chair (or other Councillor on the Deputy Leader or Vice Chair's behalf) will second the motion
- c) the normal rules of debate at Council meetings will then apply

- d) the Leader or the relevant Chair (or other Councillor on the Leader or Chair's behalf) will reply at the end of the debate
- e) Council will vote on the proposed motion(s).

20 Previous Decisions and Motions

- 20.1. A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved.
- 20.2. A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be proposed.

21 Voting

21.1. Majority

- a) Unless the Constitution states otherwise, any matter will be decided by a simple majority of those Councillors voting and present in the room at the time the question was put.

21.2. Chair's casting vote

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

21.3. Show of hands

- a) Unless a recorded vote is demanded under Rule 21.4, the Chair will take the vote by show of hands or, if there is no disagreement, by the affirmation of the meeting.

21.4. Recorded vote

- a) Before a vote is taken, a Councillor may request a recorded vote. If the Councillor is supported by six other Councillors who show their support by a show of hands,, a general recorded vote will be taken by roll call. The names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. The Chair will announce the result of the vote as soon as the result is known.

21.5. Right to require individual vote to be recorded

- a) Where any Councillor requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

21.6. Voting on appointments

- a) If there are more than two persons nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. Where two nominated persons for any position remain with equal votes, the Chair of the meeting will have the casting vote.

22 Minutes

- 22.1. The Chair will sign the minutes of the proceedings at the next suitable meeting. They will propose that the minutes of the previous meeting be signed as a correct record. The only aspect of the minutes that can be discussed is their accuracy.
- 22.2. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.
- 22.3. When the minutes have been approved, the Chair will sign them. If there are matters arising from the minutes that are not covered by other items on the agenda these items may be raised by Councillors as questions or motions. Any discussion or debate shall be at the discretion of the Chair, unless prior notice has been given, or if the motion has been made in line with Rule 12.
- 22.4. Minutes will contain all motions and amendments (whether carried or lost) in the exact form and order the Chair put them.

23 Disclosure

- 23.1. Councillors must follow Part 1, Paragraph 5 of the Councillor Code of Conduct when deciding whether information should be disclosed.

24 Record of Attendance

- 24.1. All Councillors present during the whole or part of a meeting must sign their names on an attendance sheet before the conclusion of every meeting to assist with the record of attendance.

25 Exclusion of Public

- 25.1. The public and press may only be excluded either in accordance with paragraph 10 of the Access to Information Procedure Rules in Part 4 of the Constitution or Rule 27 (Disturbance by Public).

26 Councillors' Conduct

26.1. Councillor speaking

- a) When a Councillor speaks they must address the meeting through the Chair. If more than one Councillor indicates that they wish to speak, the Chair will ask one to speak. Other Councillors must refrain from addressing the meeting whilst a Councillor is speaking unless they wish to make a point of order or a point of personal explanation.

26.2. Chair standing

- a) When the Chair stands, or otherwise calls the meeting to order during a debate, any Councillor speaking at the time must stop. No other Councillor may speak.

26.3. Co-opted persons

- a) All the provisions of the Rules of Procedure which govern the conduct of Councillors at Committee meetings will apply to the co-opted persons as they do to the other members of the Committee.

26.4. Councillor not to be heard further

- a) If a Councillor persistently disregards the ruling of the Chair by behaving improperly, offensively, or deliberately obstructs business, the Chair may propose that the Councillor is not heard further. If seconded, the motion will be voted on without discussion.

26.5. Councillor to leave meeting

- a) If the Councillor continues to behave improperly after such a motion is carried, the Chair may propose that the Councillor leaves the meeting. If seconded, the motion will be voted on without discussion. Alternatively, the Chair may adjourn the meeting for a specified period.

27 Disturbance by Public

- 27.1. If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room or call for the public to be cleared from the room.

28 Ruling of Chair

- 28.1. Any decision of the Chair on the rules of debate will be final and can only be challenged by a motion that the Chair vacates their position as Chair.

28.2. Upon such a motion being moved and seconded the Chief Executive (or in the absence of the Chief Executive another Officer), the Council will, without further discussion, put the matter to the vote.

28.3. If the motion is carried the Chair will vacate their position as Chair before discussion of the substantive matter under debate commences.

29 General Disturbance

29.1. If there is general disturbance making orderly business impossible the Chair may, with the consent of the meeting, adjourn the meeting for a period they consider reasonable. If the meeting is to continue that day, it will be stated at the time of adjournment how long the meeting will be paused for. Otherwise the likely timescale will be indicated by the Chair.

30 Business of Objectionable Nature

30.1. If the Chair considers that any motion, amendment, business or matter which is proposed or moved is of an objectionable character, or seriously prejudicial to the interests of the Council, the Chair may intervene giving reasons. They will then put to the vote that the motion, amendment, business or matter in question is not discussed any further. If such motion is carried the matter shall not be considered for the rest of the meeting.

31 Suspension and Amendment of Council Procedure Rules

31.1. Suspension

- a) All of the Council Procedure Rules except Rules 21.5 and 22.2 (statutory mandatory standing orders) may be suspended by motion on notice or without notice if at least one half of the whole number of Councillors are present. Suspension can only be for the duration of the meeting.

31.2. Amendment

- a) Any motion to add to, vary or revoke the Council Procedure Rules will, when proposed and seconded, be adjourned to the next ordinary meeting of the Council.

32 Application to Committees and Sub Committees

32.1. All of the Council Procedure Rules apply to meetings of Full Council. All of the Council Procedure Rules shall apply to Committees and Sub-Committees except for Rules 1, 2, 16 and 21.4.